

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN SENATE JULY 7, 2015

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY MAY 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1081**

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**Introduced by Assembly Member Quirk**

February 27, 2015

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An act to amend Sections 527.6, 527.8, and 527.85 of the Code of Civil Procedure, to amend Sections 242, 243, and 245 of the Family Code, and to amend Sections 213.5 and 15657.03 of the Welfare and Institutions Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as amended, Quirk. Protective orders.

(1) Existing law provides the procedure by which a temporary restraining order and an injunction prohibiting harassment or abuse may be sought by, or on behalf of, specified persons. Existing law requires the petitioner seeking the restraining order to personally serve the person against whom the temporary restraining order and injunction are sought, known as the respondent, with notice of hearing within 5 days of the hearing on the petition, as specified. If the petitioner files a declaration with the court that he or she could not serve the respondent within the time required, existing law authorizes the court to reissue an order that was dissolved by the court for failure to serve the respondent. Existing law provides that a reissued order will remain in effect until the date of

the hearing, and requires that the reissued order state the date that the order expires.

This bill would permit either party to request a continuance of the hearing, as specified, which the court would be required to grant on a showing of good cause. The bill would permit the request to be made in writing before or at the hearing or orally at the hearing, and would additionally authorize the court to grant a continuance on its own motion. If the court grants a continuance, the bill would require that any temporary restraining order that had previously been granted remain in effect until the conclusion of the continued hearing, and would authorize the court to modify or terminate any temporary restraining order.

(2) Existing law provides that a person who has suffered harassment, defined as unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose, may seek a temporary restraining order and an injunction prohibiting harassment. If issued, the injunction would be in effect for a period of up to 5 years and may be renewed for another period of up to 5 years. Under existing law, however, the notice of the hearing must notify the respondent that, if he or she does not attend the hearing on the petition, the court may make orders against him or her that could last up to 3 years.

This bill would modify the requirements for the notice to a respondent so that the respondent is warned that, if he or she does not attend the hearing, the court may make orders against him or her that could last up to 5 years.

(3) In a matter in which a temporary restraining order or order after hearing prohibiting harassment or abuse is sought under specified provisions of the Uniform Interstate Family Support Act, existing law provides that a respondent is entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition.

This bill would, in a matter in which a civil harassment, workplace violence, or elder or dependent adult abuse temporary restraining order or order after hearing prohibiting harassment or abuse is sought, provide that the respondent would be entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition.

*This bill would incorporate additional changes to Section 527.6 of the Code of Civil Procedure and Section 213.5 of the Welfare and Institutions Code, proposed by AB 494, that would become operative*

*only if AB 494 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.*

*This bill would incorporate additional changes to Section 15657.03 of the Welfare and Institutions Code, proposed by AB 494 and SB 196, that would become operative only if this bill and either or both of those bills are chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 527.6 of the Code of Civil Procedure is  
2 amended to read:  
3 527.6. (a) (1) A person who has suffered harassment as  
4 defined in subdivision (b) may seek a temporary restraining order  
5 and an order after hearing prohibiting harassment as provided in  
6 this section.  
7 (2) A minor, under 12 years of age, accompanied by a duly  
8 appointed and acting guardian ad litem, shall be permitted to appear  
9 in court without counsel for the limited purpose of requesting or  
10 opposing a request for a temporary restraining order or order after  
11 hearing, or both, under this section as provided in Section 374.  
12 (b) For purposes of this section:  
13 (1) "Course of conduct" is a pattern of conduct composed of a  
14 series of acts over a period of time, however short, evidencing a  
15 continuity of purpose, including following or stalking an individual,  
16 making harassing telephone calls to an individual, or sending  
17 harassing correspondence to an individual by any means, including,  
18 but not limited to, the use of public or private mails, interoffice  
19 mail, facsimile, or computer email. Constitutionally protected  
20 activity is not included within the meaning of "course of conduct."  
21 (2) "Credible threat of violence" is a knowing and willful  
22 statement or course of conduct that would place a reasonable person  
23 in fear for his or her safety, or the safety of his or her immediate  
24 family, and that serves no legitimate purpose.  
25 (3) "Harassment" is unlawful violence, a credible threat of  
26 violence, or a knowing and willful course of conduct directed at  
27 a specific person that seriously alarms, annoys, or harasses the  
28 person, and that serves no legitimate purpose. The course of

1 conduct must be such as would cause a reasonable person to suffer  
2 substantial emotional distress, and must actually cause substantial  
3 emotional distress to the petitioner.

4 (4) “Petitioner” means the person to be protected by the  
5 temporary restraining order and order after hearing and, if the court  
6 grants the petition, the protected person.

7 (5) “Respondent” means the person against whom the temporary  
8 restraining order and order after hearing are sought and, if the  
9 petition is granted, the restrained person.

10 (6) “Temporary restraining order” and “order after hearing”  
11 mean orders that include any of the following restraining orders,  
12 whether issued ex parte or after notice and hearing:

13 (A) An order enjoining a party from harassing, intimidating,  
14 molesting, attacking, striking, stalking, threatening, sexually  
15 assaulting, battering, abusing, telephoning, including, but not  
16 limited to, making annoying telephone calls, as described in Section  
17 653m of the Penal Code, destroying personal property, contacting,  
18 either directly or indirectly, by mail or otherwise, or coming within  
19 a specified distance of, or disturbing the peace of, the petitioner.

20 (B) An order enjoining a party from specified behavior that the  
21 court determines is necessary to effectuate orders described in  
22 subparagraph (A).

23 (7) “Unlawful violence” is any assault or battery, or stalking as  
24 prohibited in Section 646.9 of the Penal Code, but shall not include  
25 lawful acts of self-defense or defense of others.

26 (c) In the discretion of the court, on a showing of good cause,  
27 a temporary restraining order or order after hearing issued under  
28 this section may include other named family or household  
29 members.

30 (d) Upon filing a petition for orders under this section, the  
31 petitioner may obtain a temporary restraining order in accordance  
32 with Section 527, except to the extent this section provides a rule  
33 that is inconsistent. The temporary restraining order may include  
34 any of the restraining orders described in paragraph (6) of  
35 subdivision (b). A temporary restraining order may be issued with  
36 or without notice, based on a declaration that, to the satisfaction  
37 of the court, shows reasonable proof of harassment of the petitioner  
38 by the respondent, and that great or irreparable harm would result  
39 to the petitioner.

1 (e) A request for the issuance of a temporary restraining order  
2 without notice under this section shall be granted or denied on the  
3 same day that the petition is submitted to the court, unless the  
4 petition is filed too late in the day to permit effective review, in  
5 which case the order shall be granted or denied on the next day of  
6 judicial business in sufficient time for the order to be filed that day  
7 with the clerk of the court.

8 (f) A temporary restraining order issued under this section shall  
9 remain in effect, at the court's discretion, for a period not to exceed  
10 21 days, or, if the court extends the time for hearing under  
11 subdivision (g), not to exceed 25 days, unless otherwise modified  
12 or terminated by the court.

13 (g) Within 21 days, or, if good cause appears to the court, 25  
14 days from the date that a petition for a temporary order is granted  
15 or denied, a hearing shall be held on the ~~petition~~. *If petition. If no*  
16 request for temporary orders is made, the hearing shall be held  
17 within 21 days, or, if good cause appears to the court, 25 days,  
18 from the date that the petition is filed.

19 (h) The respondent may file a response that explains, excuses,  
20 justifies, or denies the alleged harassment or may file a  
21 cross-petition under this section.

22 (i) At the hearing, the judge shall receive any testimony that is  
23 relevant, and may make an independent inquiry. If the judge finds  
24 by clear and convincing evidence that unlawful harassment exists,  
25 an order shall issue prohibiting the harassment.

26 (j) (1) In the discretion of the court, an order issued after notice  
27 and hearing under this section may have a duration of not more  
28 than five years, subject to termination or modification by further  
29 order of the court either on written stipulation filed with the court  
30 or on the motion of a party. The order may be renewed, upon the  
31 request of a party, for a duration of not more than five additional  
32 years, without a showing of any further harassment since the  
33 issuance of the original order, subject to termination or  
34 modification by further order of the court either on written  
35 stipulation filed with the court or on the motion of a party. A  
36 request for renewal may be brought at any time within the three  
37 months before the expiration of the order.

38 (2) The failure to state the expiration date on the face of the  
39 form creates an order with a duration of three years from the date  
40 of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive his or her right to notice if he or she is physically present in court and does not challenge the sufficiency of the notice.

(k) This section does not preclude either party from representation by private counsel or from appearing on the party's own behalf.

(l) In a proceeding under this section, if there are allegations of unlawful violence or credible threats of violence, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of violence. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges he or she is a victim of violence in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of violence and the other party are required to be present in close proximity. This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(m) Upon the filing of a petition under this section, the respondent shall be personally served with a copy of the petition,

1 temporary restraining order, if any, and notice of hearing of the  
2 petition. Service shall be made at least five days before the hearing.  
3 The court may for good cause, on motion of the petitioner or on  
4 its own motion, shorten the time for service on the respondent.

5 (n) A notice of hearing under this section shall notify the  
6 respondent that if he or she does not attend the hearing, the court  
7 may make orders against him or her that could last up to five years.

8 (o) The respondent shall be entitled, as a matter of course, to  
9 one continuance, for a reasonable period, to respond to the petition.

10 (p) (1) Either party may request a continuance of the hearing,  
11 which the court shall grant on a showing of good cause. The request  
12 may be made in writing before or at the hearing or orally at the  
13 hearing. The court may also grant a continuance on its own motion.

14 (2) If the court grants a continuance, any temporary restraining  
15 order that has been granted shall remain in effect until the end of  
16 the continued hearing, unless otherwise ordered by the court. In  
17 granting a continuance, the court may modify or terminate a  
18 temporary restraining order.

19 (q) (1) If a respondent, named in a restraining order issued after  
20 a hearing, has not been served personally with the order but has  
21 received actual notice of the existence and substance of the order  
22 through personal appearance in court to hear the terms of the order  
23 from the court, no additional proof of service is required for  
24 enforcement of the order.

25 (2) If the respondent named in a temporary restraining order is  
26 personally served with the order and notice of hearing with respect  
27 to a restraining order or protective order based on the temporary  
28 restraining order, but the respondent does not appear at the hearing,  
29 either personally or by an attorney, and the terms and conditions  
30 of the restraining order or protective order issued at the hearing  
31 are identical to the temporary restraining order, except for the  
32 duration of the order, then the restraining order or protective order  
33 issued at the hearing may be served on the respondent by first-class  
34 mail sent to the respondent at the most current address for the  
35 respondent available to the court.

36 (3) The Judicial Council form for temporary orders issued  
37 pursuant to this subdivision shall contain a statement in  
38 substantially the following form:  
39

1 “If you have been personally served with this temporary  
2 restraining order and notice of hearing, but you do not appear at  
3 the hearing either in person or by a lawyer, and a restraining order  
4 that is the same as this temporary restraining order except for the  
5 expiration date is issued at the hearing, a copy of the restraining  
6 order will be served on you by mail at the following address: \_\_\_\_.

7 If that address is not correct or you wish to verify that the  
8 temporary restraining order was converted to a restraining order  
9 at the hearing without substantive change and to find out the  
10 duration of that order, contact the clerk of the court.”

11  
12 (r) (1) Information on a temporary restraining order or order  
13 after hearing relating to civil harassment issued by a court pursuant  
14 to this section shall be transmitted to the Department of Justice in  
15 accordance with either paragraph (2) or (3).

16 (2) The court shall order the petitioner or the attorney for the  
17 petitioner to deliver a copy of an order issued under this section,  
18 or reissuance, extension, modification, or termination of the order,  
19 and any subsequent proof of service, by the close of the business  
20 day on which the order, reissuance, extension, modification, or  
21 termination was made, to a law enforcement agency having  
22 jurisdiction over the residence of the petitioner and to any  
23 additional law enforcement agencies within the court’s discretion  
24 as are requested by the petitioner.

25 (3) Alternatively, the court or its designee shall transmit, within  
26 one business day, to law enforcement personnel all information  
27 required under subdivision (b) of Section 6380 of the Family Code  
28 regarding any order issued under this section, or a reissuance,  
29 extension, modification, or termination of the order, and any  
30 subsequent proof of service, by either one of the following  
31 methods:

32 (A) Transmitting a physical copy of the order or proof of service  
33 to a local law enforcement agency authorized by the Department  
34 of Justice to enter orders into the California Law Enforcement  
35 Telecommunications System (CLETS).

36 (B) With the approval of the Department of Justice, entering  
37 the order or proof of service into CLETS directly.

38 (4) Each appropriate law enforcement agency shall make  
39 available information as to the existence and current status of these



1 orders to law enforcement officers responding to the scene of  
2 reported harassment.

3 (5) An order issued under this section shall, on request of the  
4 petitioner, be served on the respondent, whether or not the  
5 respondent has been taken into custody, by any law enforcement  
6 officer who is present at the scene of reported harassment involving  
7 the parties to the proceeding. The petitioner shall provide the  
8 officer with an endorsed copy of the order and a proof of service  
9 that the officer shall complete and send to the issuing court.

10 (6) Upon receiving information at the scene of an incident of  
11 harassment that a protective order has been issued under this  
12 section, or that a person who has been taken into custody is the  
13 subject of an order, if the protected person cannot produce a  
14 certified copy of the order, a law enforcement officer shall  
15 immediately attempt to verify the existence of the order.

16 (7) If the law enforcement officer determines that a protective  
17 order has been issued but not served, the officer shall immediately  
18 notify the respondent of the terms of the order and shall at that  
19 time also enforce the order. Verbal notice of the terms of the order  
20 shall constitute service of the order and is sufficient notice for the  
21 purposes of this section and for the purposes of Section 29825 of  
22 the Penal Code.

23 (s) The prevailing party in any action brought under this section  
24 may be awarded court costs and attorney's fees, if any.

25 (t) Any willful disobedience of any temporary restraining order  
26 or order after hearing granted under this section is punishable  
27 pursuant to Section 273.6 of the Penal Code.

28 (u) (1) A person subject to a protective order issued under this  
29 section shall not own, possess, purchase, receive, or attempt to  
30 purchase or receive a firearm or ammunition while the protective  
31 order is in effect.

32 (2) The court shall order a person subject to a protective order  
33 issued under this section to relinquish any firearms he or she owns  
34 or possesses pursuant to Section 527.9.

35 (3) Every person who owns, possesses, purchases, or receives,  
36 or attempts to purchase or receive, a firearm or ammunition while  
37 the protective order is in effect is punishable pursuant to Section  
38 29825 of the Penal Code.

39 (v) This section does not apply to any action or proceeding  
40 covered by Title 1.6C (commencing with Section 1788) of Part 4

1 of Division 3 of the Civil Code or by Division 10 (commencing  
2 with Section 6200) of the Family Code. This section does not  
3 preclude a petitioner from using other existing civil remedies.

4 (w) (1) The Judicial Council shall develop forms, instructions,  
5 and rules relating to matters governed by this section. The petition  
6 and response forms shall be simple and concise, and their use by  
7 parties in actions brought pursuant to this section shall be  
8 mandatory.

9 (2) A temporary restraining order or order after hearing relating  
10 to civil harassment issued by a court pursuant to this section shall  
11 be issued on forms adopted by the Judicial Council of California  
12 and that have been approved by the Department of Justice pursuant  
13 to subdivision (i) of Section 6380 of the Family Code. However,  
14 the fact that an order issued by a court pursuant to this section was  
15 not issued on forms adopted by the Judicial Council and approved  
16 by the Department of Justice shall not, in and of itself, make the  
17 order unenforceable.

18 (x) There is no filing fee for a petition that alleges that a person  
19 has inflicted or threatened violence against the petitioner, or stalked  
20 the petitioner, or acted or spoken in any other manner that has  
21 placed the petitioner in reasonable fear of violence, and that seeks  
22 a protective or restraining order restraining stalking or future  
23 violence or threats of violence, in any action brought pursuant to  
24 this section. No fee shall be paid for a subpoena filed in connection  
25 with a petition alleging these acts. No fee shall be paid for filing  
26 a response to a petition alleging these acts.

27 (y) (1) Subject to paragraph (4) of subdivision (b) of Section  
28 6103.2 of the Government Code, there shall be no fee for the  
29 service of process by a sheriff or marshal of a protective or  
30 restraining order to be issued, if either of the following conditions  
31 applies:

32 (A) The protective or restraining order issued pursuant to this  
33 section is based upon stalking, as prohibited by Section 646.9 of  
34 the Penal Code.

35 (B) The protective or restraining order issued pursuant to this  
36 section is based upon unlawful violence or a credible threat of  
37 violence.

38 (2) The Judicial Council shall prepare and develop forms for  
39 persons who wish to avail themselves of the services described in  
40 this subdivision.

1     *SEC. 1.5. Section 527.6 of the Code of Civil Procedure is*  
2     *amended to read:*

3     527.6. (a) (1) A person who has suffered harassment as  
4     defined in subdivision (b) may seek a temporary restraining order  
5     and an ~~injunction~~ *order after hearing* prohibiting harassment as  
6     provided in this section.

7     (2) A minor, under 12 years of age, accompanied by a duly  
8     appointed and acting guardian ad litem, shall be permitted to appear  
9     in court without counsel for the limited purpose of requesting or  
10    opposing a request for a temporary restraining order or ~~injunction~~,  
11    ~~order after hearing~~ or both, under this section as provided in  
12    Section 374.

13    (b) For the purposes of this section:

14    (1) “Course of conduct” is a pattern of conduct composed of a  
15    series of acts over a period of time, however short, evidencing a  
16    continuity of purpose, including following or stalking an individual,  
17    making harassing telephone calls to an individual, or sending  
18    harassing correspondence to an individual by any means, including,  
19    but not limited to, the use of public or private mails, interoffice  
20    mail, facsimile, or computer email. Constitutionally protected  
21    activity is not included within the meaning of “course of conduct.”

22    (2) “Credible threat of violence” is a knowing and willful  
23    statement or course of conduct that would place a reasonable person  
24    in fear for his or her safety, or the safety of his or her immediate  
25    family, and that serves no legitimate purpose.

26    (3) “Harassment” is unlawful violence, a credible threat of  
27    violence, or a knowing and willful course of conduct directed at  
28    a specific person that seriously alarms, annoys, or harasses the  
29    person, and that serves no legitimate purpose. The course of  
30    conduct must be such as would cause a reasonable person to suffer  
31    substantial emotional distress, and must actually cause substantial  
32    emotional distress to the petitioner.

33    (4) “Petitioner” means the person to be protected by the  
34    temporary restraining order and ~~injunction~~ *order after hearing*  
35    and, if the court grants the petition, the protected person.

36    (5) “Respondent” means the person against whom the temporary  
37    restraining order and ~~injunction~~ *order after hearing* are sought  
38    and, if the petition is granted, the restrained person.

(6) “Temporary restraining order” and ~~“injunction”~~ “*order after hearing*” mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the petitioner. *On a showing of good cause, in an order issued pursuant to this subparagraph in connection with an animal owned, possessed, leased, kept, or held by the petitioner, or residing in the residence or household of the petitioner, the court may do either or both of the following:*

(i) *Grant the petitioner exclusive care, possession, or control of the animal.*

(ii) *Order the respondent to stay away from the animal and refrain from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.*

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(7) “Unlawful violence” is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(c) In the discretion of the court, on a showing of good cause, a temporary restraining order or ~~injunction~~ *order after hearing* issued under this section may include other named family or household members.

(d) Upon filing a petition for ~~an injunction~~ *orders* under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527, except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the restraining orders described in paragraph (6) of subdivision (b). A temporary restraining order may be issued with or without notice, based on a declaration that, to the satisfaction of the court, shows reasonable proof of harassment of

1 the petitioner by the respondent, and that great or irreparable harm  
2 would result to the petitioner.

3 (e) A request for the issuance of a temporary restraining order  
4 without notice under this section shall be granted or denied on the  
5 same day that the petition is submitted to the court, unless the  
6 petition is filed too late in the day to permit effective review, in  
7 which case the order shall be granted or denied on the next day of  
8 judicial business in sufficient time for the order to be filed that day  
9 with the clerk of the court.

10 (f) A temporary restraining order issued under this section shall  
11 remain in effect, at the court's discretion, for a period not to exceed  
12 21 days, or, if the court extends the time for hearing under  
13 subdivision (g), not to exceed 25 days, unless otherwise modified  
14 or terminated by the court.

15 (g) Within 21 days, or, if good cause appears to the court, 25  
16 days from the date that a petition for a temporary order is granted  
17 or denied, a hearing shall be held on the ~~petition for the injunction.~~  
18 ~~If petition.~~ If no request for temporary orders is made, the hearing  
19 shall be held within 21 days, or, if good cause appears to the court,  
20 25 days, from the date that the petition is filed.

21 (h) The respondent may file a response that explains, excuses,  
22 justifies, or denies the alleged harassment or may file a  
23 cross-petition under this section.

24 (i) At the hearing, the judge shall receive any testimony that is  
25 relevant, and may make an independent inquiry. If the judge finds  
26 by clear and convincing evidence that unlawful harassment exists,  
27 an ~~injunction~~ order shall issue prohibiting the harassment.

28 (j) (1) In the discretion of the court, an order issued after notice  
29 and hearing under this section may have a duration of not more  
30 than five years, subject to termination or modification by further  
31 order of the court either on written stipulation filed with the court  
32 or on the motion of a party. The order may be renewed, upon the  
33 request of a party, for a duration of not more than five additional  
34 years, without a showing of any further harassment since the  
35 issuance of the original order, subject to termination or  
36 modification by further order of the court either on written  
37 stipulation filed with the court or on the motion of a party. A  
38 request for renewal may be brought at any time within the three  
39 months before the expiration of the order.

1 (2) The failure to state the expiration date on the face of the  
2 form creates an order with a duration of three years from the date  
3 of issuance.

4 (3) If an action is filed for the purpose of terminating or  
5 modifying a protective order prior to the expiration date specified  
6 in the order by a party other than the protected party, the party  
7 who is protected by the order shall be given notice, pursuant to  
8 subdivision (b) of Section 1005, of the proceeding by personal  
9 service or, if the protected party has satisfied the requirements of  
10 Chapter 3.1 (commencing with Section 6205) of Division 7 of  
11 Title 1 of the Government Code, by service on the Secretary of  
12 State. If the party who is protected by the order cannot be notified  
13 prior to the hearing for modification or termination of the protective  
14 order, the court shall deny the motion to modify or terminate the  
15 order without prejudice or continue the hearing until the party who  
16 is protected can be properly noticed and may, upon a showing of  
17 good cause, specify another method for service of process that is  
18 reasonably designed to afford actual notice to the protected party.  
19 The protected party may waive his or her right to notice if he or  
20 she is physically present in court and does not challenge the  
21 sufficiency of the notice.

22 (k) This section does not preclude either party from  
23 representation by private counsel or from appearing on the party's  
24 own behalf.

25 (l) In a proceeding under this ~~section~~ *section*, if there are  
26 allegations of unlawful violence or credible threats of violence, a  
27 support person may accompany a party in court and, if the party  
28 is not represented by an attorney, may sit with the party at the table  
29 that is generally reserved for the party and the party's attorney.  
30 The support person is present to provide moral and emotional  
31 support for a person who alleges he or she is a victim of violence.  
32 The support person is not present as a legal adviser and may not  
33 provide legal advice. The support person may assist the person  
34 who alleges he or she is a victim of violence in feeling more  
35 confident that he or she will not be injured or threatened by the  
36 other party during the proceedings if the person who alleges he or  
37 she is a victim of violence and the other party are required to be  
38 present in close proximity. This subdivision does not preclude the  
39 court from exercising its discretion to remove the support person  
40 from the courtroom if the court believes the support person is

1 prompting, swaying, or influencing the party assisted by the support  
2 person.

3 (m) Upon the filing of a petition ~~for an injunction~~ under this  
4 section, the respondent shall be personally served with a copy of  
5 the petition, temporary restraining order, if any, and notice of  
6 hearing of the petition. Service shall be made at least five days  
7 before the hearing. The court may for good cause, on motion of  
8 the petitioner or on its own motion, shorten the time for service  
9 on the respondent.

10 (n) A notice of hearing under this section shall notify the  
11 respondent that if he or she does not attend the hearing, the court  
12 may make orders against him or her that could last up to ~~three~~ five  
13 years.

14 ~~(o) (1) The court may, upon the filing of a declaration by the~~  
15 ~~petitioner that the respondent could not be served within the time~~  
16 ~~required by statute, reissue an order previously issued and dissolved~~  
17 ~~by the court for failure to serve the respondent. The reissued order~~  
18 ~~shall remain in effect until the date set for the hearing.~~

19 ~~(2) The reissued order shall state on its face the date of~~  
20 ~~expiration of the order.~~

21 *(o) The respondent shall be entitled, as a matter of course, to*  
22 *one continuance, for a reasonable period, to respond to the*  
23 *petition.*

24 *(p) (1) Either party may request a continuance of the hearing,*  
25 *which the court shall grant on a showing of good cause. The*  
26 *request may be made in writing before or at the hearing or orally*  
27 *at the hearing. The court may also grant a continuance on its own*  
28 *motion.*

29 *(2) If the court grants a continuance, any temporary restraining*  
30 *order that has been granted shall remain in effect until the end of*  
31 *the continued hearing, unless otherwise ordered by the court. In*  
32 *granting a continuance, the court may modify or terminate a*  
33 *temporary restraining order.*

34 ~~(p)~~  
35 *(q) (1) If a respondent, named in a restraining order issued after*  
36 *a hearing, has not been served personally with the order but has*  
37 *received actual notice of the existence and substance of the order*  
38 *through personal appearance in court to hear the terms of the order*  
39 *from the court, no additional proof of service is required for*  
40 *enforcement of the order.*

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with this temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the restraining order will be served on you by mail at the following address: \_\_\_\_.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(e)

(r) (1) Information on ~~any~~ a temporary restraining order or ~~injunction order after hearing~~ relating to civil harassment issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to a law enforcement agency having jurisdiction over the residence of the petitioner and to any



1 additional law enforcement agencies within the court's discretion  
2 as are requested by the petitioner.

3 (3) Alternatively, the court or its designee shall transmit, within  
4 one business day, to law enforcement personnel all information  
5 required under subdivision (b) of Section 6380 of the Family Code  
6 regarding any order issued under this section, or a reissuance,  
7 extension, modification, or termination of the order, and any  
8 subsequent proof of service, by either one of the following  
9 methods:

10 (A) Transmitting a physical copy of the order or proof of service  
11 to a local law enforcement agency authorized by the Department  
12 of Justice to enter orders into the California Law Enforcement  
13 Telecommunications System (CLETS).

14 (B) With the approval of the Department of Justice, entering  
15 the order or proof of service into CLETS directly.

16 (4) Each appropriate law enforcement agency shall make  
17 available information as to the existence and current status of these  
18 orders to law enforcement officers responding to the scene of  
19 reported harassment.

20 (5) An order issued under this section shall, on request of the  
21 petitioner, be served on the respondent, whether or not the  
22 respondent has been taken into custody, by any law enforcement  
23 officer who is present at the scene of reported harassment involving  
24 the parties to the proceeding. The petitioner shall provide the  
25 officer with an endorsed copy of the order and a proof of service  
26 that the officer shall complete and send to the issuing court.

27 (6) Upon receiving information at the scene of an incident of  
28 harassment that a protective order has been issued under this  
29 section, or that a person who has been taken into custody is the  
30 subject of an order, if the protected person cannot produce a  
31 certified copy of the order, a law enforcement officer shall  
32 immediately attempt to verify the existence of the order.

33 (7) If the law enforcement officer determines that a protective  
34 order has been ~~issued~~, *issued* but not served, the officer shall  
35 immediately notify the respondent of the terms of the order and  
36 shall at that time also enforce the order. Verbal notice of the terms  
37 of the order shall constitute service of the order and is sufficient  
38 notice for the purposes of this section and for the purposes of  
39 Section 29825 of the Penal Code.

40 (†)

1 (s) The prevailing party in any action brought under this section  
2 may be awarded court costs and attorney's fees, if any.

3 ~~(s)~~

4 (t) Any willful disobedience of any temporary restraining order  
5 or ~~injunction order after hearing~~ granted under this section is  
6 punishable pursuant to Section 273.6 of the Penal Code.

7 ~~(t)~~

8 (u) (1) A person subject to a protective order issued under this  
9 section shall not own, possess, purchase, receive, or attempt to  
10 purchase or receive a firearm or ammunition while the protective  
11 order is in effect.

12 (2) The court shall order a person subject to a protective order  
13 issued under this section to relinquish any firearms he or she owns  
14 or possesses pursuant to Section 527.9.

15 (3) Every person who owns, possesses, purchases, or receives,  
16 or attempts to purchase or receive, a firearm or ammunition while  
17 the protective order is in effect is punishable pursuant to Section  
18 29825 of the Penal Code.

19 ~~(u)~~

20 (v) This section does not apply to any action or proceeding  
21 covered by Title 1.6C (commencing with Section 1788) of Part 4  
22 of Division 3 of the Civil Code or by Division 10 (commencing  
23 with Section 6200) of the Family Code. This section does not  
24 preclude a petitioner from using other existing civil remedies.

25 ~~(v)~~

26 (w) (1) The Judicial Council shall develop forms, instructions,  
27 and rules relating to matters governed by this section. The petition  
28 and response forms shall be simple and concise, and their use by  
29 parties in actions brought pursuant to this section shall be  
30 mandatory.

31 (2) A temporary restraining order or ~~injunction order after~~  
32 *hearing* relating to civil harassment issued by a court pursuant to  
33 this section shall be issued on forms adopted by the Judicial  
34 Council of California and that have been approved by the  
35 Department of Justice pursuant to subdivision (i) of Section 6380  
36 of the Family Code. However, the fact that an order issued by a  
37 court pursuant to this section was not issued on forms adopted by  
38 the Judicial Council and approved by the Department of Justice  
39 shall not, in and of itself, make the order unenforceable.

40 ~~(w)~~

(x) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, or stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order ~~or injunction~~ restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. ~~No~~ A fee shall *not* be paid for a subpoena filed in connection with a petition alleging these acts. ~~No~~ A fee shall *not* be paid for filing a response to a petition alleging these acts.

~~(x)~~  
(y) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall *not* be ~~no~~ a fee for the service of process by a sheriff or marshal of a protective ~~order, restraining order, or injunction~~ or *restraining order* to be issued, if either of the following conditions applies:

(A) The ~~protective order, restraining order, or injunction~~ or *restraining order* issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The ~~protective order, restraining order, or injunction~~ or *restraining order* issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

~~(y) This section shall become operative on July 1, 2014.~~

SEC. 2. Section 527.8 of the Code of Civil Procedure is amended to read:

527.8. (a) Any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

(b) For purposes of this section:

(1) “Course of conduct” is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee

1 to or from the place of work; entering the workplace; following  
2 an employee during hours of employment; making telephone calls  
3 to an employee; or sending correspondence to an employee by any  
4 means, including, but not limited to, the use of the public or private  
5 mails, interoffice mail, facsimile, or computer email.

6 (2) “Credible threat of violence” is a knowing and willful  
7 statement or course of conduct that would place a reasonable person  
8 in fear for his or her safety, or the safety of his or her immediate  
9 family, and that serves no legitimate purpose.

10 (3) “Employer” and “employee” mean persons defined in  
11 Section 350 of the Labor Code. “Employer” also includes a federal  
12 agency, the state, a state agency, a city, county, or district, and a  
13 private, public, or quasi-public corporation, or any public agency  
14 thereof or therein. “Employee” also includes the members of boards  
15 of directors of private, public, and quasi-public corporations and  
16 elected and appointed public officers. For purposes of this section  
17 only, “employee” also includes a volunteer or independent  
18 contractor who performs services for the employer at the  
19 employer’s worksite.

20 (4) “Petitioner” means the employer that petitions under  
21 subdivision (a) for a temporary restraining order and order after  
22 hearing.

23 (5) “Respondent” means the person against whom the temporary  
24 restraining order and order after hearing are sought and, if the  
25 petition is granted, the restrained person.

26 (6) “Temporary restraining order” and “order after hearing”  
27 mean orders that include any of the following restraining orders,  
28 whether issued ex parte or after notice and hearing:

29 (A) An order enjoining a party from harassing, intimidating,  
30 molesting, attacking, striking, stalking, threatening, sexually  
31 assaulting, battering, abusing, telephoning, including, but not  
32 limited to, making annoying telephone calls as described in Section  
33 653m of the Penal Code, destroying personal property, contacting,  
34 either directly or indirectly, by mail or otherwise, or coming within  
35 a specified distance of, or disturbing the peace of, the employee.

36 (B) An order enjoining a party from specified behavior that the  
37 court determines is necessary to effectuate orders described in  
38 subparagraph (A).

1 (7) “Unlawful violence” is any assault or battery, or stalking as  
2 prohibited in Section 646.9 of the Penal Code, but shall not include  
3 lawful acts of self-defense or defense of others.

4 (c) This section does not permit a court to issue a temporary  
5 restraining order or order after hearing prohibiting speech or other  
6 activities that are constitutionally protected, or otherwise protected  
7 by Section 527.3 or any other provision of law.

8 (d) In the discretion of the court, on a showing of good cause,  
9 a temporary restraining order or order after hearing issued under  
10 this section may include other named family or household  
11 members, or other persons employed at the employee’s workplace  
12 or workplaces.

13 (e) Upon filing a petition under this section, the petitioner may  
14 obtain a temporary restraining order in accordance with subdivision  
15 (a) of Section 527, if the petitioner also files a declaration that, to  
16 the satisfaction of the court, shows reasonable proof that an  
17 employee has suffered unlawful violence or a credible threat of  
18 violence by the respondent, and that great or irreparable harm  
19 would result to an employee. The temporary restraining order may  
20 include any of the protective orders described in paragraph (6) of  
21 subdivision (b).

22 (f) A request for the issuance of a temporary restraining order  
23 without notice under this section shall be granted or denied on the  
24 same day that the petition is submitted to the court, unless the  
25 petition is filed too late in the day to permit effective review, in  
26 which case the order shall be granted or denied on the next day of  
27 judicial business in sufficient time for the order to be filed that day  
28 with the clerk of the court.

29 (g) A temporary restraining order granted under this section  
30 shall remain in effect, at the court’s discretion, for a period not to  
31 exceed 21 days, or if the court extends the time for hearing under  
32 subdivision (h), not to exceed 25 days, unless otherwise modified  
33 or terminated by the court.

34 (h) Within 21 days, or if good cause appears to the court, 25  
35 days from the date that a petition for a temporary order is granted  
36 or denied, a hearing shall be held on the petition. If no request for  
37 temporary orders is made, the hearing shall be held within 21 days,  
38 or, if good cause appears to the court, 25 days, from the date that  
39 the petition is filed.

1 (i) The respondent may file a response that explains, excuses,  
2 justifies, or denies the alleged unlawful violence or credible threats  
3 of violence.

4 (j) At the hearing, the judge shall receive any testimony that is  
5 relevant and may make an independent inquiry. Moreover, if the  
6 respondent is a current employee of the entity requesting the order,  
7 the judge shall receive evidence concerning the employer's decision  
8 to retain, terminate, or otherwise discipline the respondent. If the  
9 judge finds by clear and convincing evidence that the respondent  
10 engaged in unlawful violence or made a credible threat of violence,  
11 an order shall issue prohibiting further unlawful violence or threats  
12 of violence.

13 (k) (1) In the discretion of the court, an order issued after notice  
14 and hearing under this section may have a duration of not more  
15 than three years, subject to termination or modification by further  
16 order of the court either on written stipulation filed with the court  
17 or on the motion of a party. These orders may be renewed, upon  
18 the request of a party, for a duration of not more than three years,  
19 without a showing of any further violence or threats of violence  
20 since the issuance of the original order, subject to termination or  
21 modification by further order of the court either on written  
22 stipulation filed with the court or on the motion of a party. The  
23 request for renewal may be brought at any time within the three  
24 months before the expiration of the order.

25 (2) The failure to state the expiration date on the face of the  
26 form creates an order with a duration of three years from the date  
27 of issuance.

28 (3) If an action is filed for the purpose of terminating or  
29 modifying a protective order prior to the expiration date specified  
30 in the order by a party other than the protected party, the party  
31 who is protected by the order shall be given notice, pursuant to  
32 subdivision (b) of Section 1005, of the proceeding by personal  
33 service or, if the protected party has satisfied the requirements of  
34 Chapter 3.1 (commencing with Section 6205) of Division 7 of  
35 Title 1 of the Government Code, by service on the Secretary of  
36 State. If the party who is protected by the order cannot be notified  
37 prior to the hearing for modification or termination of the protective  
38 order, the court shall deny the motion to modify or terminate the  
39 order without prejudice or continue the hearing until the party who  
40 is protected can be properly noticed and may, upon a showing of

1 good cause, specify another method for service of process that is  
2 reasonably designed to afford actual notice to the protected party.  
3 The protected party may waive his or her right to notice if he or  
4 she is physically present in court and does not challenge the  
5 sufficiency of the notice.

6 (l) This section does not preclude either party from  
7 representation by private counsel or from appearing on his or her  
8 own behalf.

9 (m) Upon filing of a petition under this section, the respondent  
10 shall be personally served with a copy of the petition, temporary  
11 restraining order, if any, and notice of hearing of the petition.  
12 Service shall be made at least five days before the hearing. The  
13 court may, for good cause, on motion of the petitioner or on its  
14 own motion, shorten the time for service on the respondent.

15 (n) A notice of hearing under this section shall notify the  
16 respondent that, if he or she does not attend the hearing, the court  
17 may make orders against him or her that could last up to three  
18 years.

19 (o) The respondent shall be entitled, as a matter of course, to  
20 one continuance, for a reasonable period, to respond to the petition.

21 (p) (1) Either party may request a continuance of the hearing,  
22 which the court shall grant on a showing of good cause. The request  
23 may be made in writing before or at the hearing or orally at the  
24 hearing. The court may also grant a continuance on its own motion.

25 (2) If the court grants a continuance, any temporary restraining  
26 order that has been granted shall remain in effect until the end of  
27 the continued hearing, unless otherwise ordered by the court. In  
28 granting a continuance, the court may modify or terminate a  
29 temporary restraining order.

30 (q) (1) If a respondent, named in a restraining order issued  
31 under this section after a hearing, has not been served personally  
32 with the order but has received actual notice of the existence and  
33 substance of the order through personal appearance in court to  
34 hear the terms of the order from the court, no additional proof of  
35 service is required for enforcement of the order.

36 (2) If the respondent named in a temporary restraining order is  
37 personally served with the order and notice of hearing with respect  
38 to a restraining order or protective order based on the temporary  
39 restraining order, but the person does not appear at the hearing,  
40 either personally or by an attorney, and the terms and conditions

1 of the restraining order or protective order issued at the hearing  
2 are identical to the temporary restraining order, except for the  
3 duration of the order, then the restraining order or protective order  
4 issued at the hearing may be served on the person by first-class  
5 mail sent to that person at the most current address for the person  
6 available to the court.

7 (3) The Judicial Council form for temporary orders issued  
8 pursuant to this subdivision shall contain a statement in  
9 substantially the following form:

10  
11 “If you have been personally served with this temporary  
12 restraining order and notice of hearing, but you do not appear at  
13 the hearing either in person or by a lawyer, and a restraining order  
14 that is the same as this restraining order except for the expiration  
15 date is issued at the hearing, a copy of the order will be served on  
16 you by mail at the following address: \_\_\_\_.

17 If that address is not correct or you wish to verify that the  
18 temporary restraining order was converted to a restraining order  
19 at the hearing without substantive change and to find out the  
20 duration of that order, contact the clerk of the court.”

21  
22 (r) (1) Information on a temporary restraining order or order  
23 after hearing relating to workplace violence issued by a court  
24 pursuant to this section shall be transmitted to the Department of  
25 Justice in accordance with either paragraph (2) or (3).

26 (2) The court shall order the petitioner or the attorney for the  
27 petitioner to deliver a copy of any order issued under this section,  
28 or a reissuance, extension, modification, or termination of the  
29 order, and any subsequent proof of service, by the close of the  
30 business day on which the order, reissuance, extension,  
31 modification, or termination was made, to each law enforcement  
32 agency having jurisdiction over the residence of the petitioner and  
33 to any additional law enforcement agencies within the court’s  
34 discretion as are requested by the petitioner.

35 (3) Alternatively, the court or its designee shall transmit, within  
36 one business day, to law enforcement personnel all information  
37 required under subdivision (b) of Section 6380 of the Family Code  
38 regarding any order issued under this section, or a reissuance,  
39 extension, modification, or termination of the order, and any



1 subsequent proof of service, by either one of the following  
2 methods:

3 (A) Transmitting a physical copy of the order or proof of service  
4 to a local law enforcement agency authorized by the Department  
5 of Justice to enter orders into the California Law Enforcement  
6 Telecommunications System (CLETS).

7 (B) With the approval of the Department of Justice, entering  
8 the order or proof of service into CLETS directly.

9 (4) Each appropriate law enforcement agency shall make  
10 available information as to the existence and current status of these  
11 orders to law enforcement officers responding to the scene of  
12 reported unlawful violence or a credible threat of violence.

13 (5) At the request of the petitioner, an order issued under this  
14 section shall be served on the respondent, regardless of whether  
15 the respondent has been taken into custody, by any law  
16 enforcement officer who is present at the scene of reported  
17 unlawful violence or a credible threat of violence involving the  
18 parties to the proceedings. The petitioner shall provide the officer  
19 with an endorsed copy of the order and proof of service that the  
20 officer shall complete and send to the issuing court.

21 (6) Upon receiving information at the scene of an incident of  
22 unlawful violence or a credible threat of violence that a protective  
23 order has been issued under this section, or that a person who has  
24 been taken into custody is the subject of an order, if the petitioner  
25 or the protected person cannot produce an endorsed copy of the  
26 order, a law enforcement officer shall immediately attempt to  
27 verify the existence of the order.

28 (7) If the law enforcement officer determines that a protective  
29 order has been issued but not served, the officer shall immediately  
30 notify the respondent of the terms of the order and obtain the  
31 respondent's address. The law enforcement officer shall at that  
32 time also enforce the order, but may not arrest or take the  
33 respondent into custody for acts in violation of the order that were  
34 committed prior to the verbal notice of the terms and conditions  
35 of the order. The law enforcement officer's verbal notice of the  
36 terms of the order shall constitute service of the order and  
37 constitutes sufficient notice for the purposes of this section and  
38 for the purposes of Section 29825 of the Penal Code. The petitioner  
39 shall mail an endorsed copy of the order to the respondent's mailing  
40 address provided to the law enforcement officer within one

1 business day of the reported incident of unlawful violence or a  
2 credible threat of violence at which a verbal notice of the terms of  
3 the order was provided by a law enforcement officer.

4 (s) (1) A person subject to a protective order issued under this  
5 section shall not own, possess, purchase, receive, or attempt to  
6 purchase or receive a firearm or ammunition while the protective  
7 order is in effect.

8 (2) The court shall order a person subject to a protective order  
9 issued under this section to relinquish any firearms he or she owns  
10 or possesses pursuant to Section 527.9.

11 (3) Every person who owns, possesses, purchases or receives,  
12 or attempts to purchase or receive a firearm or ammunition while  
13 the protective order is in effect is punishable pursuant to Section  
14 29825 of the Penal Code.

15 (t) Any intentional disobedience of any temporary restraining  
16 order or order after hearing granted under this section is punishable  
17 pursuant to Section 273.6 of the Penal Code.

18 (u) This section shall not be construed as expanding,  
19 diminishing, altering, or modifying the duty, if any, of an employer  
20 to provide a safe workplace for employees and other persons.

21 (v) (1) The Judicial Council shall develop forms, instructions,  
22 and rules for relating to matters governed by this section. The  
23 forms for the petition and response shall be simple and concise,  
24 and their use by parties in actions brought pursuant to this section  
25 shall be mandatory.

26 (2) A temporary restraining order or order after hearing relating  
27 to unlawful violence or a credible threat of violence issued by a  
28 court pursuant to this section shall be issued on forms adopted by  
29 the Judicial Council of California and that have been approved by  
30 the Department of Justice pursuant to subdivision (i) of Section  
31 6380 of the Family Code. However, the fact that an order issued  
32 by a court pursuant to this section was not issued on forms adopted  
33 by the Judicial Council and approved by the Department of Justice  
34 shall not, in and of itself, make the order unenforceable.

35 (w) There is no filing fee for a petition that alleges that a person  
36 has inflicted or threatened violence against an employee of the  
37 petitioner, or stalked the employee, or acted or spoken in any other  
38 manner that has placed the employee in reasonable fear of violence,  
39 and that seeks a protective or restraining order restraining stalking  
40 or future violence or threats of violence, in any action brought

1 pursuant to this section. No fee shall be paid for a subpoena filed  
2 in connection with a petition alleging these acts. No fee shall be  
3 paid for filing a response to a petition alleging these acts.

4 (x) (1) Subject to paragraph (4) of subdivision (b) of Section  
5 6103.2 of the Government Code, there shall be no fee for the  
6 service of process by a sheriff or marshal of a temporary restraining  
7 order or order after hearing to be issued pursuant to this section if  
8 either of the following conditions applies:

9 (A) The temporary restraining order or order after hearing issued  
10 pursuant to this section is based upon stalking, as prohibited by  
11 Section 646.9 of the Penal Code.

12 (B) The temporary restraining order or order after hearing issued  
13 pursuant to this section is based on unlawful violence or a credible  
14 threat of violence.

15 (2) The Judicial Council shall prepare and develop forms for  
16 persons who wish to avail themselves of the services described in  
17 this subdivision.

18 SEC. 3. Section 527.85 of the Code of Civil Procedure is  
19 amended to read:

20 527.85. (a) Any chief administrative officer of a postsecondary  
21 educational institution, or an officer or employee designated by  
22 the chief administrative officer to maintain order on the school  
23 campus or facility, a student of which has suffered a credible threat  
24 of violence made off the school campus or facility from any  
25 individual which can reasonably be construed to be carried out or  
26 to have been carried out at the school campus or facility, may, with  
27 the written consent of the student, seek a temporary restraining  
28 order and an order after hearing on behalf of the student and, at  
29 the discretion of the court, any number of other students at the  
30 campus or facility who are similarly situated.

31 (b) For purposes of this section, the following definitions apply:

32 (1) "Chief administrative officer" means the principal, president,  
33 or highest ranking official of the postsecondary educational  
34 institution.

35 (2) "Course of conduct" means a pattern of conduct composed  
36 of a series of acts over a period of time, however short, evidencing  
37 a continuity of purpose, including any of the following:

38 (A) Following or stalking a student to or from school.

39 (B) Entering the school campus or facility.

40 (C) Following a student during school hours.

1 (D) Making telephone calls to a student.

2 (E) Sending correspondence to a student by any means,  
3 including, but not limited to, the use of the public or private mails,  
4 interoffice mail, facsimile, or computer email.

5 (3) “Credible threat of violence” means a knowing and willful  
6 statement or course of conduct that would place a reasonable person  
7 in fear for his or her safety, or the safety of his or her immediate  
8 family, and that serves no legitimate purpose.

9 (4) “Petitioner” means the chief administrative officer, or his  
10 or her designee, who petitions under subdivision (a) for a temporary  
11 restraining order and order after hearing.

12 (5) “Postsecondary educational institution” means a private  
13 institution of vocational, professional, or postsecondary education.

14 (6) “Respondent” means the person against whom the temporary  
15 restraining order and order after hearing are sought and, if the  
16 petition is granted, the restrained person.

17 (7) “Student” means an adult currently enrolled in or applying  
18 for admission to a postsecondary educational institution.

19 (8) “Temporary restraining order” and “order after hearing”  
20 mean orders that include any of the following restraining orders,  
21 whether issued ex parte, or after notice and hearing:

22 (A) An order enjoining a party from harassing, intimidating,  
23 molesting, attacking, striking, stalking, threatening, sexually  
24 assaulting, battering, abusing, telephoning, including, but not  
25 limited to, making annoying telephone calls as described in Section  
26 653m of the Penal Code, destroying personal property, contacting,  
27 either directly or indirectly, by mail or otherwise, or coming within  
28 a specified distance of, or disturbing the peace of, the student.

29 (B) An order enjoining a party from specified behavior that the  
30 court determines is necessary to effectuate orders described in  
31 subparagraph (A).

32 (9) “Unlawful violence” means any assault or battery, or stalking  
33 as prohibited in Section 646.9 of the Penal Code, but shall not  
34 include lawful acts of self-defense or defense of others.

35 (c) This section does not permit a court to issue a temporary  
36 restraining order or order after hearing prohibiting speech or other  
37 activities that are constitutionally protected, or otherwise protected  
38 by Section 527.3 or any other provision of law.

39 (d) In the discretion of the court, on a showing of good cause,  
40 a temporary restraining order or order after hearing issued under

1 this section may include other named family or household members  
2 of the student, or other students at the campus or facility.

3 (e) Upon filing a petition under this section, the petitioner may  
4 obtain a temporary restraining order in accordance with subdivision  
5 (a) of Section 527, if the petitioner also files a declaration that, to  
6 the satisfaction of the court, shows reasonable proof that a student  
7 has suffered a credible threat of violence made off the school  
8 campus or facility by the respondent, and that great or irreparable  
9 harm would result to the student. The temporary restraining order  
10 may include any of the protective orders described in paragraph  
11 (8) of subdivision (b).

12 (f) A request for the issuance of a temporary restraining order  
13 without notice under this section shall be granted or denied on the  
14 same day that the petition is submitted to the court, unless the  
15 petition is filed too late in the day to permit effective review, in  
16 which case the order shall be granted or denied on the next day of  
17 judicial business in sufficient time for the order to be filed that day  
18 with the clerk of the court.

19 (g) A temporary restraining order granted under this section  
20 shall remain in effect, at the court's discretion, for a period not to  
21 exceed 21 days, or if the court extends the time for hearing under  
22 subdivision (h), not to exceed 25 days, unless otherwise modified  
23 or terminated by the court.

24 (h) Within 21 days, or if good cause appears to the court, within  
25 25 days, from the date that a petition for a temporary order is  
26 granted or denied, a hearing shall be held on the petition. If no  
27 request for temporary orders is made, the hearing shall be held  
28 within 21 days, or if good cause appears to the court, 25 days, from  
29 the date the petition is filed.

30 (i) The respondent may file a response that explains, excuses,  
31 justifies, or denies the alleged credible threats of violence.

32 (j) At the hearing, the judge shall receive any testimony that is  
33 relevant and may make an independent inquiry. Moreover, if the  
34 respondent is a current student of the entity requesting the order,  
35 the judge shall receive evidence concerning the decision of the  
36 postsecondary educational institution decision to retain, terminate,  
37 or otherwise discipline the respondent. If the judge finds by clear  
38 and convincing evidence that the respondent made a credible threat  
39 of violence off the school campus or facility, an order shall be  
40 issued prohibiting further threats of violence.

(k) (1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further violence or threats of violence since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive his or her right to notice if he or she is physically present in court and does not challenge the sufficiency of the notice.

(l) This section does not preclude either party from representation by private counsel or from appearing on his or her own behalf.

(m) Upon filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The

1 court may, for good cause, on motion of the petitioner or on its  
2 own motion, shorten the time for service on the respondent.

3 (n) A notice of hearing under this section shall notify the  
4 respondent that if he or she does not attend the hearing, the court  
5 may make orders against him or her that could last up to three  
6 years.

7 (o) The respondent shall be entitled, as a matter of course, to  
8 one continuance, for a reasonable period, to respond to the petition.

9 (p) (1) Either party may request a continuance of the hearing,  
10 which the court shall grant on a showing of good cause. The request  
11 may be made in writing before or at the hearing or orally at the  
12 hearing. The court may also grant a continuance on its own motion.

13 (2) If the court grants a continuance, any temporary restraining  
14 order that has been granted shall remain in effect until the end of  
15 the continued hearing, unless otherwise ordered by the court. In  
16 granting a continuance, the court may modify or terminate a  
17 temporary restraining order.

18 (q) (1) If a respondent, named in an order issued under this  
19 section after a hearing, has not been served personally with the  
20 order but has received actual notice of the existence and substance  
21 of the order through personal appearance in court to hear the terms  
22 of the order from the court, no additional proof of service is  
23 required for enforcement of the order.

24 (2) If the respondent named in a temporary restraining order is  
25 personally served with the order and notice of hearing with respect  
26 to a restraining order or protective order based on the temporary  
27 restraining order, but the respondent does not appear at the hearing,  
28 either personally or by an attorney, and the terms and conditions  
29 of the restraining order or protective order issued at the hearing  
30 are identical to the temporary restraining order, except for the  
31 duration of the order, then the restraining order or protective order  
32 issued at the hearing may be served on the respondent by first-class  
33 mail sent to that person at the most current address for the  
34 respondent available to the court.

35 (3) The Judicial Council form for temporary orders issued  
36 pursuant to this subdivision shall contain a statement in  
37 substantially the following form:

38  
39 “If you have been personally served with a temporary restraining  
40 order and notice of hearing, but you do not appear at the hearing

1 either in person or by a lawyer, and a restraining order that is the  
2 same as this temporary restraining order except for the expiration  
3 date is issued at the hearing, a copy of the order will be served on  
4 you by mail at the following address:\_\_\_\_\_.

5 If that address is not correct or you wish to verify that the  
6 temporary restraining order was converted to a restraining order  
7 at the hearing without substantive change and to find out the  
8 duration of that order, contact the clerk of the court.”

9  
10 (r) (1) Information on a temporary restraining order or order  
11 after hearing relating to schoolsite violence issued by a court  
12 pursuant to this section shall be transmitted to the Department of  
13 Justice in accordance with either paragraph (2) or (3).

14 (2) The court shall order the petitioner or the attorney for the  
15 petitioner to deliver a copy of any order issued under this section,  
16 or a reissuance, extension, modification, or termination of the  
17 order, and any subsequent proof of service, by the close of the  
18 business day on which the order, reissuance, or termination of the  
19 order, and any proof of service, was made, to each law enforcement  
20 agency having jurisdiction over the residence of the petition and  
21 to any additional law enforcement agencies within the court’s  
22 discretion as are requested by the petitioner.

23 (3) Alternatively, the court or its designee shall transmit, within  
24 one business day, to law enforcement personnel all information  
25 required under subdivision (b) of Section 6380 of the Family Code  
26 regarding any order issued under this section, or a reissuance,  
27 extension, modification, or termination of the order, and any  
28 subsequent proof of service, by either one of the following  
29 methods:

30 (A) Transmitting a physical copy of the order or proof of service  
31 to a local law enforcement agency authorized by the Department  
32 of Justice to enter orders into the California Law Enforcement  
33 Telecommunications System (CLETS).

34 (B) With the approval of the Department of Justice, entering  
35 the order of proof of service into CLETS directly.

36 (4) Each appropriate law enforcement agency shall make  
37 available information as to the existence and current status of these  
38 orders to law enforcement officers responding to the scene of  
39 reported unlawful violence or a credible threat of violence.



1 (5) At the request of the petitioner, an order issued under this  
2 section shall be served on the respondent, regardless of whether  
3 the respondent has been taken into custody, by any law  
4 enforcement officer who is present at the scene of reported  
5 unlawful violence or a credible threat of violence involving the  
6 parties to the proceedings. The petitioner shall provide the officer  
7 with an endorsed copy of the order and proof of service that the  
8 officer shall complete and send to the issuing court.

9 (6) Upon receiving information at the scene of an incident of  
10 unlawful violence or a credible threat of violence that a protective  
11 order has been issued under this section, or that a person who has  
12 been taken into custody is the subject of an order, if the petitioner  
13 or the protected person cannot produce an endorsed copy of the  
14 order, a law enforcement officer shall immediately attempt to  
15 verify the existence of the order.

16 (7) If the law enforcement officer determines that a protective  
17 order has been issued but not served, the officer shall immediately  
18 notify the respondent of the terms of the order and obtain the  
19 respondent's address. The law enforcement officer shall at that  
20 time also enforce the order, but may not arrest or take the  
21 respondent into custody for acts in violation of the order that were  
22 committed prior to the verbal notice of the terms and conditions  
23 of the order. The law enforcement officer's verbal notice of the  
24 terms of the order shall constitute service of the order and  
25 constitutes sufficient notice for the purposes of this section, and  
26 Section 29825 of the Penal Code. The petitioner shall mail an  
27 endorsed copy of the order to the respondent's mailing address  
28 provided to the law enforcement officer within one business day  
29 of the reported incident of unlawful violence or a credible threat  
30 of violence at which a verbal notice of the terms of the order was  
31 provided by a law enforcement officer.

32 (s) (1) A person subject to a protective order issued under this  
33 section shall not own, possess, purchase, receive, or attempt to  
34 purchase or receive a firearm or ammunition while the protective  
35 order is in effect.

36 (2) The court shall order a person subject to a protective order  
37 issued under this section to relinquish any firearms he or she owns  
38 or possesses pursuant to Section 527.9.

39 (3) Every person who owns, possesses, purchases, or receives,  
40 or attempts to purchase or receive a firearm or ammunition while

1 the protective order is in effect is punishable pursuant to Section  
2 29825 of the Penal Code.

3 (t) Any intentional disobedience of any temporary restraining  
4 order or order after hearing granted under this section is punishable  
5 pursuant to Section 273.6 of the Penal Code.

6 (u) This section shall not be construed as expanding,  
7 diminishing, altering, or modifying the duty, if any, of a  
8 postsecondary educational institution to provide a safe environment  
9 for students and other persons.

10 (v) (1) The Judicial Council shall develop forms, instructions,  
11 and rules relating to matters governed by this section. The forms  
12 for the petition and response shall be simple and concise, and their  
13 use by parties in actions brought pursuant to this section shall be  
14 mandatory.

15 (2) A temporary restraining order or order after hearing relating  
16 to unlawful violence or a credible threat of violence issued by a  
17 court pursuant to this section shall be issued on forms adopted by  
18 the Judicial Council that have been approved by the Department  
19 of Justice pursuant to subdivision (i) of Section 6380 of the Family  
20 Code. However, the fact that an order issued by a court pursuant  
21 to this section was not issued on forms adopted by the Judicial  
22 Council and approved by the Department of Justice shall not, in  
23 and of itself, make the order unenforceable.

24 (w) There is no filing fee for a petition that alleges that a person  
25 has threatened violence against a student of the petitioner, or  
26 stalked the student, or acted or spoken in any other manner that  
27 has placed the student in reasonable fear of violence, and that seeks  
28 a protective or restraining order restraining stalking or future threats  
29 of violence, in any action brought pursuant to this section. No fee  
30 shall be paid for a subpoena filed in connection with a petition  
31 alleging these acts. No fee shall be paid for filing a response to a  
32 petition alleging these acts.

33 (x) (1) Subject to paragraph (4) of subdivision (b) of Section  
34 6103.2 of the Government Code, there shall be no fee for the  
35 service of process by a sheriff or marshal of a temporary restraining  
36 order or order after hearing to be issued pursuant to this section if  
37 either of the following conditions applies:

38 (A) The temporary restraining order or order after hearing issued  
39 pursuant to this section is based upon stalking, as prohibited by  
40 Section 646.9 of the Penal Code.

1 (B) The temporary restraining order or order after hearing issued  
2 pursuant to this section is based upon a credible threat of violence.

3 (2) The Judicial Council shall prepare and develop forms for  
4 persons who wish to avail themselves of the services described in  
5 this subdivision.

6 SEC. 4. Section 242 of the Family Code is amended to read:

7 242. (a) Within 21 days, or, if good cause appears to the court,  
8 25 days from the date that a temporary restraining order is granted  
9 or denied, a hearing shall be held on the petition. If no request for  
10 a temporary restraining order is made, the hearing shall be held  
11 within 21 days, or, if good cause appears to the court, 25 days from  
12 the date that the petition is filed.

13 (b) If a hearing is not held within the time provided in  
14 subdivision (a), the court may nonetheless hear the matter, but the  
15 temporary restraining order shall no longer be enforceable unless  
16 it is extended under Section 245.

17 SEC. 5. Section 243 of the Family Code is amended to read:

18 243. (a) If a petition under this part has been filed, the  
19 respondent shall be personally served with a copy of the petition,  
20 the temporary restraining order, if any, and the notice of hearing  
21 on the petition. Service shall be made at least five days before the  
22 hearing.

23 (b) On motion of the petitioner or on its own motion, the court  
24 may shorten the time for service on the respondent.

25 (c) If service on the respondent is made, the respondent may  
26 file a response that explains or denies the allegations in the petition.

27 SEC. 6. Section 245 of the Family Code is amended to read:

28 245. (a) The respondent shall be entitled, as a matter of course,  
29 to one continuance for a reasonable period, to respond to the  
30 petition.

31 (b) Either party may request a continuance of the hearing, which  
32 the court shall grant on a showing of good cause. The request may  
33 be made in writing before or at the hearing or orally at the hearing.  
34 The court may also grant a continuance on its own motion.

35 (c) If the court grants a continuance, any temporary restraining  
36 order that has been issued shall remain in effect until the end of  
37 the continued hearing, unless otherwise ordered by the court. In  
38 granting a continuance, the court may modify or terminate a  
39 temporary restraining order.

1 (d) If the court grants a continuance, the extended temporary  
2 restraining order shall state on its face the new date of expiration  
3 of the order.

4 (e) A fee shall not be charged for the extension of the temporary  
5 restraining order.

6 SEC. 7. Section 213.5 of the Welfare and Institutions Code is  
7 amended to read:

8 213.5. (a) After a petition has been filed pursuant to Section  
9 311 to declare a child a dependent child of the juvenile court, and  
10 until the time that the petition is dismissed or dependency is  
11 terminated, upon application in the manner provided by Section  
12 527 of the Code of Civil Procedure or in the manner provided by  
13 Section 6300 of the Family Code, if related to domestic violence,  
14 the juvenile court has exclusive jurisdiction to issue ex parte orders  
15 (1) enjoining any person from molesting, attacking, striking,  
16 stalking, threatening, sexually assaulting, battering, harassing,  
17 telephoning, including, but not limited to, making annoying  
18 telephone calls as described in Section 653m of the Penal Code,  
19 destroying the personal property, contacting, either directly or  
20 indirectly, by mail or otherwise, coming within a specified distance  
21 of, or disturbing the peace of the child or any other child in the  
22 household; and (2) excluding any person from the dwelling of the  
23 person who has care, custody, and control of the child. A court  
24 may also issue an ex parte order enjoining any person from  
25 molesting, attacking, striking, stalking, threatening, sexually  
26 assaulting, battering, harassing, telephoning, including, but not  
27 limited to, making annoying telephone calls as described in Section  
28 653m of the Penal Code, destroying the personal property,  
29 contacting, either directly or indirectly, by mail or otherwise,  
30 coming within a specified distance of, or disturbing the peace of  
31 any parent, legal guardian, or current caretaker of the child,  
32 regardless of whether the child resides with that parent, legal  
33 guardian, or current caretaker, upon application in the manner  
34 provided by Section 527 of the Code of Civil Procedure or, if  
35 related to domestic violence, in the manner provided by Section  
36 6300 of the Family Code. A court may also issue an ex parte order  
37 enjoining any person from molesting, attacking, striking, stalking,  
38 threatening, sexually assaulting, battering, harassing, telephoning,  
39 including, but not limited to, making annoying telephone calls as  
40 described in Section 653m of the Penal Code, destroying the

1 personal property, contacting, either directly or indirectly, by mail  
2 or otherwise, coming within a specified distance of, or disturbing  
3 the peace of the child's current or former social worker or court  
4 appointed special advocate, upon application in the manner  
5 provided by Section 527 of the Code of Civil Procedure.

6 (b) After a petition has been filed pursuant to Section 601 or  
7 602 to declare a child a ward of the juvenile court, and until the  
8 time that the petition is dismissed or wardship is terminated, upon  
9 application in the manner provided by Section 527 of the Code of  
10 Civil Procedure or, if related to domestic violence, in the manner  
11 provided by Section 6300 of the Family Code, the juvenile court  
12 may issue ex parte orders (1) enjoining any person from molesting,  
13 attacking, striking, stalking, threatening, sexually assaulting,  
14 battering, harassing, telephoning, including, but not limited to,  
15 making annoying telephone calls as described in Section 653m of  
16 the Penal Code, destroying the personal property, contacting, either  
17 directly or indirectly, by mail or otherwise, coming within a  
18 specified distance of, or disturbing the peace of the child or any  
19 other child in the household; (2) excluding any person from the  
20 dwelling of the person who has care, custody, and control of the  
21 child; or (3) enjoining the child from contacting, threatening,  
22 stalking, or disturbing the peace of any person the court finds to  
23 be at risk from the conduct of the child, or with whom association  
24 would be detrimental to the child. A court may also issue an ex  
25 parte order enjoining any person from molesting, attacking,  
26 striking, stalking, threatening, sexually assaulting, battering,  
27 harassing, telephoning, including, but not limited to, making  
28 annoying telephone calls as described in Section 653m of the Penal  
29 Code, destroying the personal property, contacting, either directly  
30 or indirectly, by mail or otherwise, coming within a specified  
31 distance of, or disturbing the peace of any parent, legal guardian,  
32 or current caretaker of the child, regardless of whether the child  
33 resides with that parent, legal guardian, or current caretaker, upon  
34 application in the manner provided by Section 527 of the Code of  
35 Civil Procedure or, if related to domestic violence, in the manner  
36 provided by Section 6300 of the Family Code. A court may also  
37 issue an ex parte order enjoining any person from molesting,  
38 attacking, striking, stalking, threatening, sexually assaulting,  
39 battering, harassing, telephoning, including, but not limited to,  
40 making annoying telephone calls as described in Section 653m of

1 the Penal Code, destroying the personal property, contacting, either  
2 directly or indirectly, by mail or otherwise, coming within a  
3 specified distance of, or disturbing the peace of the child's current  
4 or former probation officer or court appointed special advocate,  
5 upon application in the manner provided by Section 527 of the  
6 Code of Civil Procedure.

7 (c) (1) If a temporary restraining order is granted without notice,  
8 the matter shall be made returnable on an order requiring cause to  
9 be shown why the order should not be granted, on the earliest day  
10 that the business of the court will permit, but not later than 21 days  
11 or, if good cause appears to the court, 25 days from the date the  
12 temporary restraining order is granted. The court may, on the  
13 motion of the person seeking the restraining order, or on its own  
14 motion, shorten the time for the service of the order to show cause  
15 on the person to be restrained.

16 (2) The respondent shall be entitled, as a matter *if of course*, to  
17 one continuance, for a reasonable period, to respond to the petition.

18 (3) Either party may request a continuance of the hearing, which  
19 the court shall grant on a showing of good cause. The request may  
20 be made in writing before or at the hearing or orally at the hearing.  
21 The court may also grant a continuance on its own motion.

22 (4) If the court grants a continuance, any temporary restraining  
23 order that has been issued shall remain in effect until the end of  
24 the continued hearing, unless otherwise ordered by the court. In  
25 granting a continuance, the court may modify or terminate a  
26 temporary restraining order.

27 (5) A hearing pursuant to this section may be held  
28 simultaneously with any regularly scheduled hearings held in  
29 proceedings to declare a child a dependent child or ward of the  
30 juvenile court pursuant to Section 300, 601, or 602, or subsequent  
31 hearings regarding the dependent child or ward.

32 (d) (1) The juvenile court may issue, upon notice and a hearing,  
33 any of the orders set forth in subdivisions (a), (b), and (c). A  
34 restraining order granted pursuant to this subdivision shall remain  
35 in effect, in the discretion of the court, no more than three years,  
36 unless otherwise terminated by the court, extended by mutual  
37 consent of all parties to the restraining order, or extended by further  
38 order of the court on the motion of any party to the restraining  
39 order.

(2) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the juvenile court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive his or her right to notice if he or she is physically present and does not challenge the sufficiency of the notice.

(e) (1) The juvenile court may issue an order made pursuant to subdivision (a), (b), or (d) excluding a person from a residence or dwelling. This order may be issued for the time and on the conditions that the court determines, regardless of which party holds legal or equitable title or is the lessee of the residence or dwelling.

(2) The court may issue an order under paragraph (1) only on a showing of all of the following:

(A) Facts sufficient for the court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises.

(B) That the party to be excluded has assaulted or threatens to assault the other party or any other person under the care, custody, and control of the other party, or any minor child of the parties or of the other party.

(C) That physical or emotional harm would otherwise result to the other party, to any person under the care, custody, and control of the other party, or to any minor child of the parties or of the other party.

(f) An order issued pursuant to subdivision (a), (b), (c), or (d) shall state on its face the date of expiration of the order.

(g) All data with respect to a juvenile court protective order, or extension, modification, or termination thereof, granted pursuant to subdivision (a), (b), (c), or (d), shall be transmitted by the court or its designee, within one business day, to law enforcement personnel by either one of the following methods:

(1) Transmitting a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(2) With the approval of the Department of Justice, entering the order into CLETS directly.

(h) Any willful and knowing violation of any order granted pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor punishable under Section 273.65 of the Penal Code.

(i) A juvenile court restraining order related to domestic violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(j) (1) Prior to a hearing on the issuance or denial of an order under this part, a search shall be conducted as described in subdivision (a) of Section 6306 of the Family Code.

(2) Prior to deciding whether to issue an order under this part, the court shall consider the following information obtained pursuant to a search conducted under paragraph (1): any conviction for a violent felony specified in Section 667.5 of the Penal Code or a serious felony specified in Section 1192.7 of the Penal Code; any misdemeanor conviction involving domestic violence, weapons, or other violence; any outstanding warrant; parole or probation status; any prior restraining order; and any violation of a prior restraining order.

(3) (A) If the results of the search conducted pursuant to paragraph (1) indicate that an outstanding warrant exists against the subject of the search, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of any information obtained



1 through the search that the court determines is appropriate. The  
2 law enforcement officials notified shall take all actions necessary  
3 to execute any outstanding warrants or any other actions, as  
4 appropriate and as soon as practicable.

5 (B) If the results of the search conducted pursuant to paragraph  
6 (1) indicate that the subject of the search is currently on parole or  
7 probation, the court shall order the clerk of the court to immediately  
8 notify, by the most effective means available, the appropriate parole  
9 or probation officer of any information obtained through the search  
10 that the court determines is appropriate. The parole or probation  
11 officer notified shall take all actions necessary to revoke any parole  
12 or probation, or any other actions, with respect to the subject  
13 person, as appropriate and as soon as practicable.

14 (k) Upon making any order for custody or visitation pursuant  
15 to this section, the court shall follow the procedures specified in  
16 subdivisions (c) and (d) of Section 6323 of the Family Code.

17 *SEC. 7.5. Section 213.5 of the Welfare and Institutions Code*  
18 *is amended to read:*

19 213.5. (a) After a petition has been filed pursuant to Section  
20 311 to declare a child a dependent child of the juvenile court, and  
21 until the time that the petition is dismissed or dependency is  
22 terminated, upon application in the manner provided by Section  
23 527 of the Code of Civil Procedure or in the manner provided by  
24 Section 6300 of the Family Code, if related to domestic violence,  
25 the juvenile court has exclusive jurisdiction to issue ex parte orders  
26 (1) enjoining any person from molesting, attacking, striking,  
27 stalking, threatening, sexually assaulting, battering, harassing,  
28 telephoning, including, but not limited to, making annoying  
29 telephone calls as described in Section 653m of the Penal Code,  
30 destroying the personal property, contacting, either directly or  
31 indirectly, by mail or otherwise, coming within a specified distance  
32 of, or disturbing the peace of the child or any other child in the  
33 household; and (2) excluding any person from the dwelling of the  
34 person who has care, custody, and control of the child. A court  
35 may also issue an ex parte order enjoining any person from  
36 molesting, attacking, striking, stalking, threatening, sexually  
37 assaulting, battering, harassing, telephoning, including, but not  
38 limited to, making annoying telephone calls as described in Section  
39 653m of the Penal Code, destroying the personal property,  
40 contacting, either directly or indirectly, by mail or otherwise,

1 coming within a specified distance of, or disturbing the peace of  
2 any parent, legal guardian, or current caretaker of the child,  
3 regardless of whether the child resides with that parent, legal  
4 guardian, or current caretaker, upon application in the manner  
5 provided by Section 527 of the Code of Civil Procedure or, if  
6 related to domestic violence, in the manner provided by Section  
7 6300 of the Family Code. A court may also issue an ex parte order  
8 enjoining any person from molesting, attacking, striking, stalking,  
9 threatening, sexually assaulting, battering, harassing, telephoning,  
10 including, but not limited to, making annoying telephone calls as  
11 described in Section 653m of the Penal Code, destroying the  
12 personal property, contacting, either directly or indirectly, by mail  
13 or otherwise, coming within a specified distance of, or disturbing  
14 the peace of the child's current or former social worker or court  
15 appointed special advocate, upon application in the manner  
16 provided by Section 527 of the Code of Civil Procedure. *On a*  
17 *showing of good cause, in an ex parte order issued pursuant to*  
18 *this subdivision in connection with an animal owned, possessed,*  
19 *leased, kept, or held by a person protected by the restraining order,*  
20 *or residing in the residence or household of a person protected by*  
21 *the restraining order, the court may do either or both of the*  
22 *following:*

23 (1) *Grant the applicant exclusive care, possession, or control*  
24 *of the animal.*

25 (2) *Order the restrained person to stay away from the animal*  
26 *and refrain from taking, transferring, encumbering, concealing,*  
27 *molesting, attacking, striking, threatening, harming, or otherwise*  
28 *disposing of the animal.*

29 (b) After a petition has been filed pursuant to Section 601 or  
30 602 to declare a child a ward of the juvenile court, and until the  
31 time that the petition is dismissed or wardship is terminated, upon  
32 application in the manner provided by Section 527 of the Code of  
33 Civil Procedure or, if related to domestic violence, in the manner  
34 provided by Section 6300 of the Family Code, the juvenile court  
35 may issue ex parte orders (1) enjoining any person from molesting,  
36 attacking, striking, stalking, threatening, sexually assaulting,  
37 battering, harassing, telephoning, including, but not limited to,  
38 making annoying telephone calls as described in Section 653m of  
39 the Penal Code, destroying the personal property, contacting, either  
40 directly or indirectly, by mail or otherwise, coming within a

1 specified distance of, or disturbing the peace of the child or any  
2 other child in the household; (2) excluding any person from the  
3 dwelling of the person who has care, custody, and control of the  
4 child; or (3) enjoining the child from contacting, threatening,  
5 stalking, or disturbing the peace of any person the court finds to  
6 be at risk from the conduct of the child, or with whom association  
7 would be detrimental to the child. A court may also issue an ex  
8 parte order enjoining any person from molesting, attacking,  
9 striking, stalking, threatening, sexually assaulting, battering,  
10 harassing, telephoning, including, but not limited to, making  
11 annoying telephone calls as described in Section 653m of the Penal  
12 Code, destroying the personal property, contacting, either directly  
13 or indirectly, by mail or otherwise, coming within a specified  
14 distance of, or disturbing the peace of any parent, legal guardian,  
15 or current caretaker of the child, regardless of whether the child  
16 resides with that parent, legal guardian, or current caretaker, upon  
17 application in the manner provided by Section 527 of the Code of  
18 Civil Procedure or, if related to domestic violence, in the manner  
19 provided by Section 6300 of the Family Code. A court may also  
20 issue an ex parte order enjoining any person from molesting,  
21 attacking, striking, stalking, threatening, sexually assaulting,  
22 battering, harassing, telephoning, including, but not limited to,  
23 making annoying telephone calls as described in Section 653m of  
24 the Penal Code, destroying the personal property, contacting, either  
25 directly or indirectly, by mail or otherwise, coming within a  
26 specified distance of, or disturbing the peace of the child's current  
27 or former probation officer or court appointed special advocate,  
28 upon application in the manner provided by Section 527 of the  
29 Code of Civil Procedure. *On a showing of good cause, in an ex*  
30 *parte order issued pursuant to this subdivision in connection with*  
31 *an animal owned, possessed, leased, kept, or held by a person*  
32 *protected by the restraining order, or residing in the residence or*  
33 *household of a person protected by the restraining order, the court*  
34 *may do either or both of the following:*

35 (1) *Grant the applicant exclusive care, possession, or control*  
36 *of the animal.*

37 (2) *Order the respondent to stay away from the animal and*  
38 *refrain from taking, transferring, encumbering, concealing,*  
39 *molesting, attacking, striking, threatening, harming, or otherwise*  
40 *disposing of the animal.*

(c) (1) If a temporary restraining order is granted without notice, the matter shall be made returnable on an order requiring cause to be shown why the order should not be granted, on the earliest day that the business of the court will permit, but not later than 21 days or, if good cause appears to the court, 25 days from the date the temporary restraining order is granted. The court may, on the motion of the person seeking the restraining order, or on its own motion, shorten the time for *the* service of the order to show cause on the person to be restrained. ~~The court may, upon its own motion or the filing of a declaration by the person seeking the restraining order, find that the person to be restrained could not be served within the time required by law and reissue an order previously issued and dissolved by the court for failure to serve the person to be restrained. The reissued order shall remain in effect until the date set for the hearing. The reissued order shall state on its face the date of expiration of the order. Any hearing pursuant to this section may be held simultaneously with any regularly scheduled hearings held in proceedings to declare a child a dependent child or ward of the juvenile court pursuant to Section 300, 601, or 602, or subsequent hearings regarding the dependent child or ward.~~

(2) *The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.*

(3) *Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.*

(4) *If the court grants a continuance, any temporary restraining order that has been issued shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.*

(5) *A hearing pursuant to this section may be held simultaneously with any regularly scheduled hearings held in proceedings to declare a child a dependent child or ward of the juvenile court pursuant to Section 300, 601, or 602, or subsequent hearings regarding the dependent child or ward.*

(d) (1) The juvenile court may issue, upon notice and a hearing, any of the orders set forth in subdivisions (a), (b), and (c). ~~Any A~~

1 restraining order granted pursuant to this subdivision shall remain  
2 in effect, in the discretion of the court, no more than three years,  
3 unless otherwise terminated by the court, extended by mutual  
4 consent of all parties to the restraining order, or extended by further  
5 order of the court on the motion of any party to the restraining  
6 order.

7 (2) If an action is filed for the purpose of terminating or  
8 modifying a protective order prior to the expiration date specified  
9 in the order by a party other than the protected party, the party  
10 who is protected by the order shall be given notice, pursuant to  
11 subdivision (b) of Section 1005 of the Code of Civil Procedure,  
12 of the proceeding by personal service or, if the protected party has  
13 satisfied the requirements of Chapter 3.1 (commencing with  
14 Section 6205) of Division 7 of Title 1 of the Government Code,  
15 by service on the Secretary of State. If the party who is protected  
16 by the order cannot be notified prior to the hearing for modification  
17 or termination of the protective order, the juvenile court shall deny  
18 the motion to modify or terminate the order without prejudice or  
19 continue the hearing until the party who is protected can be  
20 properly noticed and may, upon a showing of good cause, specify  
21 another method for service of process that is reasonably designed  
22 to afford actual notice to the protected party. The protected party  
23 may waive his or her right to notice if he or she is physically  
24 present and does not challenge the sufficiency of the notice.

25 (e) (1) The juvenile court may issue an order made pursuant to  
26 subdivision (a), (b), or (d) excluding a person from a residence or  
27 dwelling. This order may be issued for the time and on the  
28 conditions that the court determines, regardless of which party  
29 holds legal or equitable title or is the lessee of the residence or  
30 dwelling.

31 (2) The court may issue an order under paragraph (1) only on  
32 a showing of all of the following:

33 (A) Facts sufficient for the court to ascertain that the party who  
34 will stay in the dwelling has a right under color of law to possession  
35 of the premises.

36 (B) That the party to be excluded has assaulted or threatens to  
37 assault the other party or any other person under the care, custody,  
38 and control of the other party, or any minor child of the parties or  
39 of the other party.

1 (C) That physical or emotional harm would otherwise result to  
2 the other party, to any person under the care, custody, and control  
3 of the other party, or to any minor child of the parties or of the  
4 other party.

5 (f) ~~Any~~ An order issued pursuant to subdivision (a), (b), (c), or  
6 (d) shall state on its face the date of expiration of the order.

7 (g) All data with respect to a juvenile court protective order, or  
8 extension, modification, or termination thereof, granted pursuant  
9 to subdivision (a), (b), (c), or (d), shall be transmitted by the court  
10 or its designee, within one business day, to law enforcement  
11 personnel by either one of the following methods:

12 (1) Transmitting a physical copy of the order to a local law  
13 enforcement agency authorized by the Department of Justice to  
14 enter orders into the California Law Enforcement  
15 Telecommunications System (CLETS).

16 (2) With the approval of the Department of Justice, entering the  
17 order into CLETS directly.

18 (h) Any willful and knowing violation of any order granted  
19 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor  
20 punishable under Section 273.65 of the Penal Code.

21 (i) A juvenile court restraining order related to domestic violence  
22 issued by a court pursuant to this section shall be issued on forms  
23 adopted by the Judicial Council of California and that have been  
24 approved by the Department of Justice pursuant to subdivision (i)  
25 of Section 6380 of the Family Code. However, the fact that an  
26 order issued by a court pursuant to this section was not issued on  
27 forms adopted by the Judicial Council and approved by the  
28 Department of Justice shall not, in and of itself, make the order  
29 unenforceable.

30 (j) (1) Prior to a hearing on the issuance or denial of an order  
31 under this part, a search shall be conducted as described in  
32 subdivision (a) of Section 6306 of the Family Code.

33 (2) Prior to deciding whether to issue an order under this part,  
34 the court shall consider the following information obtained pursuant  
35 to a search conducted under paragraph (1): any conviction for a  
36 violent felony specified in Section 667.5 of the Penal Code or a  
37 serious felony specified in Section 1192.7 of the Penal Code; any  
38 misdemeanor conviction involving domestic violence, weapons,  
39 or other violence; any outstanding warrant; parole or probation

1 status; any prior restraining order; and any violation of a prior  
2 restraining order.

3 (3) (A) If the results of the search conducted pursuant to  
4 paragraph (1) indicate that an outstanding warrant exists against  
5 the subject of the search, the court shall order the clerk of the court  
6 to immediately notify, by the most effective means available,  
7 appropriate law enforcement officials of any information obtained  
8 through the search that the court determines is appropriate. The  
9 law enforcement officials notified shall take all actions necessary  
10 to execute any outstanding warrants or any other actions, as  
11 appropriate and as soon as practicable.

12 (B) If the results of the search conducted pursuant to paragraph  
13 (1) indicate that the subject of the search is currently on parole or  
14 probation, the court shall order the clerk of the court to immediately  
15 notify, by the most effective means available, the appropriate parole  
16 or probation officer of any information obtained through the search  
17 that the court determines is appropriate. The parole or probation  
18 officer notified shall take all actions necessary to revoke any parole  
19 or probation, or any other actions, with respect to the subject  
20 person, as appropriate and as soon as practicable.

21 (k) Upon making any order for custody or visitation pursuant  
22 to this section, the court shall follow the procedures specified in  
23 subdivisions (c) and (d) of Section 6323 of the Family Code.

24 SEC. 8. Section 15657.03 of the Welfare and Institutions Code  
25 is amended to read:

26 15657.03. (a) (1) An elder or dependent adult who has suffered  
27 abuse, as defined in Section 15610.07, may seek protective orders  
28 as provided in this section.

29 (2) A petition may be brought on behalf of an abused elder or  
30 dependent adult by a conservator or a trustee of the elder or  
31 dependent adult, an attorney-in-fact of an elder or dependent adult  
32 who acts within the authority of a power of attorney, a person  
33 appointed as a guardian ad litem for the elder or dependent adult,  
34 or other person legally authorized to seek such relief.

35 (b) For purposes of this section:

36 (1) "Conservator" means the legally appointed conservator of  
37 the person or estate of the petitioner, or both.

38 (2) "Petitioner" means the elder or dependent adult to be  
39 protected by the protective orders and, if the court grants the  
40 petition, the protected person.

1 (3) “Protective order” means an order that includes any of the  
2 following restraining orders, whether issued ex parte, after notice  
3 and hearing, or in a judgment:

4 (A) An order enjoining a party from abusing, intimidating,  
5 molesting, attacking, striking, stalking, threatening, sexually  
6 assaulting, battering, harassing, telephoning, including, but not  
7 limited to, making annoying telephone calls as described in Section  
8 653m of the Penal Code, destroying personal property, contacting,  
9 either directly or indirectly, by mail or otherwise, or coming within  
10 a specified distance of, or disturbing the peace of, the petitioner,  
11 and, in the discretion of the court, on a showing of good cause, of  
12 other named family or household members or a conservator, if  
13 any, of the petitioner.

14 (B) An order excluding a party from the petitioner’s residence  
15 or dwelling, except that this order shall not be issued if legal or  
16 equitable title to, or lease of, the residence or dwelling is in the  
17 sole name of the party to be excluded, or is in the name of the party  
18 to be excluded and any other party besides the petitioner.

19 (C) An order enjoining a party from specified behavior that the  
20 court determines is necessary to effectuate orders described in  
21 subparagraph (A) or (B).

22 (4) “Respondent” means the person against whom the protective  
23 orders are sought and, if the petition is granted, the restrained  
24 person.

25 (c) An order may be issued under this section, with or without  
26 notice, to restrain any person for the purpose of preventing a  
27 recurrence of abuse, if a declaration shows, to the satisfaction of  
28 the court, reasonable proof of a past act or acts of abuse of the  
29 petitioning elder or dependent adult.

30 (d) Upon filing a petition for protective orders under this section,  
31 the petitioner may obtain a temporary restraining order in  
32 accordance with Section 527 of the Code of Civil Procedure, except  
33 to the extent this section provides a rule that is inconsistent. The  
34 temporary restraining order may include any of the protective  
35 orders described in paragraph (3) of subdivision (b). However, the  
36 court may issue an ex parte order excluding a party from the  
37 petitioner’s residence or dwelling only on a showing of all of the  
38 following:



1 (1) Facts sufficient for the court to ascertain that the party who  
2 will stay in the dwelling has a right under color of law to possession  
3 of the premises.

4 (2) That the party to be excluded has assaulted or threatens to  
5 assault the petitioner, other named family or household member  
6 of the petitioner, or a conservator of the petitioner.

7 (3) That physical or emotional harm would otherwise result to  
8 the petitioner, other named family or household member of the  
9 petitioner, or a conservator of the petitioner.

10 (e) A request for the issuance of a temporary restraining order  
11 without notice under this section shall be granted or denied on the  
12 same day that the petition is submitted to the court, unless the  
13 petition is filed too late in the day to permit effective review, in  
14 which case the order shall be granted or denied on the next day of  
15 judicial business in sufficient time for the order to be filed that day  
16 with the clerk of the court.

17 (f) Within 21 days, or, if good cause appears to the court, 25  
18 days, from the date that a request for a temporary restraining order  
19 is granted or denied, a hearing shall be held on the petition. If no  
20 request for temporary orders is made, the hearing shall be held  
21 within 21 days, or, if good cause appears to the court, 25 days,  
22 from the date that the petition is filed.

23 (g) The respondent may file a response that explains or denies  
24 the alleged abuse.

25 (h) The court may issue, upon notice and a hearing, any of the  
26 orders set forth in paragraph (3) of subdivision (b). The court may  
27 issue, after notice and hearing, an order excluding a person from  
28 a residence or dwelling if the court finds that physical or emotional  
29 harm would otherwise result to the petitioner, other named family  
30 or household member of the petitioner, or conservator of the  
31 petitioner.

32 (i) (1) In the discretion of the court, an order issued after notice  
33 and a hearing under this section may have a duration of not more  
34 than five years, subject to termination or modification by further  
35 order of the court either on written stipulation filed with the court  
36 or on the motion of a party. These orders may be renewed upon  
37 the request of a party, either for five years or permanently, without  
38 a showing of any further abuse since the issuance of the original  
39 order, subject to termination or modification by further order of  
40 the court either on written stipulation filed with the court or on the

1 motion of a party. The request for renewal may be brought at any  
2 time within the three months before the expiration of the order.

3 (2) The failure to state the expiration date on the face of the  
4 form creates an order with a duration of three years from the date  
5 of issuance.

6 (3) If an action is filed for the purpose of terminating or  
7 modifying a protective order prior to the expiration date specified  
8 in the order by a party other than the protected party, the party  
9 who is protected by the order shall be given notice, pursuant to  
10 subdivision (b) of Section 1005 of the Code of Civil Procedure,  
11 of the proceeding by personal service or, if the protected party has  
12 satisfied the requirements of Chapter 3.1 (commencing with  
13 Section 6205) of Division 7 of Title 1 of the Government Code,  
14 by service on the Secretary of State. If the party who is protected  
15 by the order cannot be notified prior to the hearing for modification  
16 or termination of the protective order, the court shall deny the  
17 motion to modify or terminate the order without prejudice or  
18 continue the hearing until the party who is protected can be  
19 properly noticed and may, upon a showing of good cause, specify  
20 another method for service of process that is reasonably designed  
21 to afford actual notice to the protected party. The protected party  
22 may waive his or her right to notice if he or she is physically  
23 present in court and does not challenge the sufficiency of the notice.

24 (j) In a proceeding under this section, a support person may  
25 accompany a party in court and, if the party is not represented by  
26 an attorney, may sit with the party at the table that is generally  
27 reserved for the party and the party's attorney. The support person  
28 is present to provide moral and emotional support for a person  
29 who alleges he or she is a victim of abuse. The support person is  
30 not present as a legal adviser and may not provide legal advice.  
31 The support person may assist the person who alleges he or she is  
32 a victim of abuse in feeling more confident that he or she will not  
33 be injured or threatened by the other party during the proceedings  
34 if the person who alleges he or she is a victim of abuse and the  
35 other party are required to be present in close proximity. This  
36 subdivision does not preclude the court from exercising its  
37 discretion to remove the support person from the courtroom if the  
38 court believes the support person is prompting, swaying, or  
39 influencing the party assisted by the support person.

1 (k) Upon the filing of a petition for protective orders under this  
2 section, the respondent shall be personally served with a copy of  
3 the petition, notice of the hearing or order to show cause, temporary  
4 restraining order, if any, and any declarations in support of the  
5 petition. Service shall be made at least five days before the hearing.  
6 The court may, on motion of the petitioner or on its own motion,  
7 shorten the time for service on the respondent.

8 (l) A notice of hearing under this section shall notify the  
9 respondent that if he or she does not attend the hearing, the court  
10 may make orders against him or her that could last up to five years.

11 (m) The respondent shall be entitled, as a matter of course, to  
12 one continuance, for a reasonable period, to respond to the petition.

13 (n) (1) Either party may request a continuance of the hearing,  
14 which the court shall grant on a showing of good cause. The request  
15 may be made in writing before or at the hearing or orally at the  
16 hearing. The court may also grant a continuance on its own motion.

17 (2) If the court grants a continuance, any temporary restraining  
18 order that has been granted shall remain in effect until the end of  
19 the continued hearing, unless otherwise ordered by the court. In  
20 granting a continuance, the court may modify or terminate a  
21 temporary restraining order.

22 (o) (1) If a respondent, named in an order issued under this  
23 section after a hearing, has not been served personally with the  
24 order but has received actual notice of the existence and substance  
25 of the order through personal appearance in court to hear the terms  
26 of the order from the court, no additional proof of service is  
27 required for enforcement of the order.

28 (2) If the respondent named in a temporary restraining order is  
29 personally served with the order and notice of hearing with respect  
30 to a restraining order or protective order based on the temporary  
31 restraining order, but the respondent does not appear at the hearing,  
32 either personally or by an attorney, and the terms and conditions  
33 of the restraining order or protective order issued at the hearing  
34 are identical to the temporary restraining order, except for the  
35 duration of the order, then the restraining order or protective order  
36 issued at the hearing may be served on the respondent by first-class  
37 mail sent to the respondent at the most current address for the  
38 respondent that is available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address: \_\_\_\_.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(p) (1) Information on a protective order relating to elder or dependent adult abuse issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to each law enforcement agency having jurisdiction over the residence of the petitioner, and to any additional law enforcement agencies within the court’s discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

1 (B) With the approval of the Department of Justice, entering  
2 the order or proof of service into CLETS directly.

3 (4) Each appropriate law enforcement agency shall make  
4 available information as to the existence and current status of these  
5 orders to law enforcement officers responding to the scene of  
6 reported abuse.

7 (5) An order issued under this section shall, on request of the  
8 petitioner, be served on the respondent, whether or not the  
9 respondent has been taken into custody, by any law enforcement  
10 officer who is present at the scene of reported abuse involving the  
11 parties to the proceeding. The petitioner shall provide the officer  
12 with an endorsed copy of the order and a proof of service, which  
13 the officer shall complete and send to the issuing court.

14 (6) Upon receiving information at the scene of an incident of  
15 abuse that a protective order has been issued under this section,  
16 or that a person who has been taken into custody is the respondent  
17 to that order, if the protected person cannot produce an endorsed  
18 copy of the order, a law enforcement officer shall immediately  
19 attempt to verify the existence of the order.

20 (7) If the law enforcement officer determines that a protective  
21 order has been issued but not served, the officer shall immediately  
22 notify the respondent of the terms of the order and where a written  
23 copy of the order can be obtained, and the officer shall at that time  
24 also enforce the order. The law enforcement officer's verbal notice  
25 of the terms of the order shall constitute service of the order and  
26 is sufficient notice for the purposes of this section and for the  
27 purposes of Section 273.6 of the Penal Code.

28 (q) Nothing in this section shall preclude either party from  
29 representation by private counsel or from appearing on the party's  
30 own behalf.

31 (r) There is no filing fee for a petition, response, or paper seeking  
32 the reissuance, modification, or enforcement of a protective order  
33 filed in a proceeding brought pursuant to this section.

34 (s) Pursuant to paragraph (4) of subdivision (b) of Section  
35 6103.2 of the Government Code, a petitioner shall not be required  
36 to pay a fee for law enforcement to serve an order issued under  
37 this section.

38 (t) The prevailing party in an action brought under this section  
39 may be awarded court costs and attorney's fees, if any.

(u) (1) A person subject to a protective order under this section shall not own, possess, purchase, receive, or attempt to receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms he or she owns or possesses pursuant to Section 527.9 of the Code of Civil Procedure.

(3) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm or ammunition while subject to a protective order issued under this section is punishable pursuant to Section 29825 of the Penal Code.

(4) This subdivision does not apply in a case in which a protective order issued under this section was made solely on the basis of financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

(v) Any willful disobedience of any temporary restraining order or restraining order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(w) This section does not apply to any action or proceeding governed by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code, by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, or by Division 10 (commencing with Section 6200) of the Family Code. Nothing in this section shall preclude a petitioner's right to use other existing civil remedies.

(x) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

*SEC. 8.1. Section 15657.03 of the Welfare and Institutions Code is amended to read:*

15657.03. (a) (1) An elder or dependent adult who has suffered ~~abuse~~ *abuse*, as defined in Section ~~15610.07~~ *15610.07*, may seek protective orders as provided in this section.

(2) A petition may be brought on behalf of an abused elder or dependent adult by a conservator or a trustee of the elder or dependent adult, an attorney-in-fact of an elder or dependent adult who acts within the authority of ~~the~~ *a* power of attorney, a person appointed as a guardian ad litem for the elder or dependent adult, or other person legally authorized to seek such relief.

1 (b) For the purposes of this section:

2 (1) “Conservator” means the legally appointed conservator of  
3 the person or estate of the petitioner, or both.

4 (2) “Petitioner” means the elder or dependent adult to be  
5 protected by the protective orders and, if the court grants the  
6 petition, the protected person.

7 (3) “Protective order” means an order that includes any of the  
8 following restraining orders, whether issued ex parte, after notice  
9 and hearing, or in a judgment:

10 (A) An order enjoining a party from abusing, intimidating,  
11 molesting, attacking, striking, stalking, threatening, sexually  
12 assaulting, battering, harassing, telephoning, including, but not  
13 limited to, making annoying telephone calls as described in Section  
14 653m of the Penal Code, destroying personal property, contacting,  
15 either directly or indirectly, by mail or otherwise, or coming within  
16 a specified distance of, or disturbing the peace of, the petitioner,  
17 and, in the discretion of the court, on a showing of good cause, of  
18 other named family or household members or a conservator, if  
19 any, of the petitioner. *On a showing of good cause, in an order*  
20 *issued pursuant to this subparagraph in connection with an animal*  
21 *owned, possessed, leased, kept, or held by the petitioner, or*  
22 *residing in the residence or household of the petitioner, the court*  
23 *may do either or both of the following:*

24 (i) *Grant the petitioner exclusive care, possession, or control*  
25 *of the animal.*

26 (ii) *Order the respondent to stay away from the animal and*  
27 *refrain from taking, transferring, encumbering, concealing,*  
28 *molesting, attacking, striking, threatening, harming, or otherwise*  
29 *disposing of the animal.*

30 (B) An order excluding a party from the petitioner’s residence  
31 or dwelling, except that this order shall not be issued if legal or  
32 equitable title to, or lease of, the residence or dwelling is in the  
33 sole name of the party to be excluded, or is in the name of the party  
34 to be excluded and any other party besides the petitioner.

35 (C) An order enjoining a party from specified behavior that the  
36 court determines is necessary to effectuate orders described in  
37 subparagraph (A) or (B).

38 (4) “Respondent” means the person against whom the protective  
39 orders are sought and, if the petition is granted, the restrained  
40 person.

1 (c) An order may be issued under this section, with or without  
2 notice, to restrain any person for the purpose of preventing a  
3 recurrence of abuse, if a declaration shows, to the satisfaction of  
4 the court, reasonable proof of a past act or acts of abuse of the  
5 petitioning elder or dependent adult.

6 (d) Upon filing a petition for protective orders under this section,  
7 the petitioner may obtain a temporary restraining order in  
8 accordance with Section 527 of the Code of Civil Procedure, except  
9 to the extent this section provides a rule that is inconsistent. The  
10 temporary restraining order may include any of the protective  
11 orders described in paragraph (3) of subdivision (b). However, the  
12 court may issue an ex parte order excluding a party from the  
13 petitioner's residence or dwelling only on a showing of all of the  
14 following:

15 (1) Facts sufficient for the court to ascertain that the party who  
16 will stay in the dwelling has a right under color of law to possession  
17 of the premises.

18 (2) That the party to be excluded has assaulted or threatens to  
19 assault the petitioner, other named family or household member  
20 of the petitioner, or a conservator of the petitioner.

21 (3) That physical or emotional harm would otherwise result to  
22 the petitioner, other named family or household member of the  
23 petitioner, or a conservator of the petitioner.

24 (e) A request for the issuance of a temporary restraining order  
25 without notice under this section shall be granted or denied on the  
26 same day that the petition is submitted to the court, unless the  
27 petition is filed too late in the day to permit effective review, in  
28 which case the order shall be granted or denied on the next day of  
29 judicial business in sufficient time for the order to be filed that day  
30 with the clerk of the court.

31 (f) Within 21 days, or, if good cause appears to the court, 25  
32 days, from the date that a request for a temporary restraining order  
33 is granted or denied, a hearing shall be held on the petition. If no  
34 request for temporary orders is made, the hearing shall be held  
35 within 21 days, or, if good cause appears to the court, 25 days,  
36 from the date that the petition is filed.

37 (g) The respondent may file a response that explains or denies  
38 the alleged abuse.

39 (h) The court may issue, upon notice and a hearing, any of the  
40 orders set forth in paragraph (3) of subdivision (b). The court may



1 issue, after notice and hearing, an order excluding a person from  
2 a residence or dwelling if the court finds that physical or emotional  
3 harm would otherwise result to the petitioner, other named family  
4 or household member of the petitioner, or conservator of the  
5 petitioner.

6 (i) (1) In the discretion of the court, an order issued after notice  
7 and a hearing under this section may have a duration of not more  
8 than five years, subject to termination or modification by further  
9 order of the court either on written stipulation filed with the court  
10 or on the motion of a party. These orders may be renewed upon  
11 the request of a party, either for five years or permanently, without  
12 a showing of any further abuse since the issuance of the original  
13 order, subject to termination or modification by further order of  
14 the court either on written stipulation filed with the court or on the  
15 motion of a party. The request for renewal may be brought at any  
16 time within the three months before the expiration of the order.

17 (2) The failure to state the expiration date on the face of the  
18 form creates an order with a duration of three years from the date  
19 of issuance.

20 (3) If an action is filed for the purpose of terminating or  
21 modifying a protective order prior to the expiration date specified  
22 in the order by a party other than the protected party, the party  
23 who is protected by the order shall be given notice, pursuant to  
24 subdivision (b) of Section 1005 of the Code of Civil Procedure,  
25 of the proceeding by personal service or, if the protected party has  
26 satisfied the requirements of Chapter 3.1 (commencing with  
27 Section 6205) of Division 7 of Title 1 of the Government Code,  
28 by service on the Secretary of State. If the party who is protected  
29 by the order cannot be notified prior to the hearing for modification  
30 or termination of the protective order, the court shall deny the  
31 motion to modify or terminate the order without prejudice or  
32 continue the hearing until the party who is protected can be  
33 properly noticed and may, upon a showing of good cause, specify  
34 another method for service of process that is reasonably designed  
35 to afford actual notice to the protected party. The protected party  
36 may waive his or her right to notice if he or she is physically  
37 present in court and does not challenge the sufficiency of the notice.

38 (j) In a proceeding under this section, a support person may  
39 accompany a party in court and, if the party is not represented by  
40 an attorney, may sit with the party at the table that is generally

1 reserved for the party and the party's attorney. The support person  
2 is present to provide moral and emotional support for a person  
3 who alleges he or she is a victim of abuse. The support person is  
4 not present as a legal adviser and may not provide legal advice.  
5 The support person may assist the person who alleges he or she is  
6 a victim of abuse in feeling more confident that he or she will not  
7 be injured or threatened by the other party during the proceedings  
8 if the person who alleges he or she is a victim of abuse and the  
9 other party are required to be present in close proximity. This  
10 subdivision does not preclude the court from exercising its  
11 discretion to remove the support person from the courtroom if the  
12 court believes the support person is prompting, swaying, or  
13 influencing the party assisted by the support person.

14 (k) Upon the filing of a petition for protective orders under this  
15 section, the respondent shall be personally served with a copy of  
16 the petition, notice of the hearing or order to show cause, temporary  
17 restraining order, if any, and any declarations in support of the  
18 petition. Service shall be made at least five days before the hearing.  
19 The court may, on motion of the petitioner or on its own motion,  
20 shorten the time for service on the respondent.

21 (l) A notice of hearing under this section shall notify the  
22 respondent that if he or she does not attend the hearing, the court  
23 may make orders against him or her that could last up to five years.

24 ~~(m) (1) The court may, upon the filing of a declaration by the~~  
25 ~~petitioner that the respondent could not be served within the time~~  
26 ~~required by statute, reissue an order previously issued and dissolved~~  
27 ~~by the court for failure to serve the respondent. The reissued order~~  
28 ~~shall remain in effect until the date set for the hearing.~~

29 ~~(2) The reissued order shall state on its face the date of~~  
30 ~~expiration of the order.~~

31 (m) *The respondent shall be entitled, as a matter of course, to*  
32 *one continuance, for a reasonable period, to respond to the*  
33 *petition.*

34 (n) (1) *Either party may request a continuance of the hearing,*  
35 *which the court shall grant on a showing of good cause. The*  
36 *request may be made in writing before or at the hearing or orally*  
37 *at the hearing. The court may also grant a continuance on its own*  
38 *motion.*

39 (2) *If the court grants a continuance, any temporary restraining*  
40 *order that has been granted shall remain in effect until the end of*

1 *the continued hearing, unless otherwise ordered by the court. In*  
2 *granting a continuance, the court may modify or terminate a*  
3 *temporary restraining order.*

4 ~~(n)~~

5 (o) (1) If a respondent, named in an order issued under this  
6 section after a hearing, has not been served personally with the  
7 order but has received actual notice of the existence and substance  
8 of the order through personal appearance in court to hear the terms  
9 of the order from the court, no additional proof of service is  
10 required for enforcement of the order.

11 (2) If the respondent named in a temporary restraining order is  
12 personally served with the order and notice of hearing with respect  
13 to a restraining order or protective order based on the temporary  
14 restraining order, but the respondent does not appear at the hearing,  
15 either personally or by an attorney, and the terms and conditions  
16 of the restraining order or protective order issued at the hearing  
17 are identical to the temporary restraining order, except for the  
18 duration of the order, then the restraining order or protective order  
19 issued at the hearing may be served on the respondent by first-class  
20 mail sent to the respondent at the most current address for the  
21 respondent that is available to the court.

22 (3) The Judicial Council form for temporary orders issued  
23 pursuant to this subdivision shall contain a statement in  
24 substantially the following form:

25  
26 “If you have been personally served with a temporary restraining  
27 order and notice of hearing, but you do not appear at the hearing  
28 either in person or by a lawyer, and a restraining order that is the  
29 same as this temporary restraining order except for the expiration  
30 date is issued at the hearing, a copy of the order will be served on  
31 you by mail at the following address: \_\_\_\_.

32 If that address is not correct or you wish to verify that the  
33 temporary restraining order was converted to a restraining order  
34 at the hearing without substantive change and to find out the  
35 duration of that order, contact the clerk of the court.”

36  
37 ~~(p)~~

38 (p) (1) Information on ~~any~~ a protective order relating to elder  
39 or dependent adult abuse issued by a court pursuant to this section

1 shall be transmitted to the Department of Justice in accordance  
2 with either paragraph (2) or (3).

3 (2) The court shall order the petitioner or the attorney for the  
4 petitioner to deliver a copy of an order issued under this section,  
5 or a reissuance, extension, modification, or termination of the  
6 order, and any subsequent proof of service, by the close of the  
7 business day on which the order, reissuance, extension,  
8 modification, or termination was made, to each law enforcement  
9 agency having jurisdiction over the residence of the petitioner, and  
10 to any additional law enforcement agencies within the court's  
11 discretion as are requested by the petitioner.

12 (3) Alternatively, the court or its designee shall transmit, within  
13 one business day, to law enforcement personnel all information  
14 required under subdivision (b) of Section 6380 of the Family Code  
15 regarding any order issued under this section, or a reissuance,  
16 extension, modification, or termination of the order, and any  
17 subsequent proof of service, by either one of the following  
18 methods:

19 (A) Transmitting a physical copy of the order or proof of service  
20 to a local law enforcement agency authorized by the Department  
21 of Justice to enter orders into the California Law Enforcement  
22 Telecommunications System (CLETS).

23 (B) With the approval of the Department of Justice, entering  
24 the order or proof of service into CLETS directly.

25 (4) Each appropriate law enforcement agency shall make  
26 available information as to the existence and current status of these  
27 orders to law enforcement officers responding to the scene of  
28 reported abuse.

29 (5) An order issued under this section shall, on request of the  
30 petitioner, be served on the respondent, whether or not the  
31 respondent has been taken into custody, by any law enforcement  
32 officer who is present at the scene of reported abuse involving the  
33 parties to the proceeding. The petitioner shall provide the officer  
34 with an endorsed copy of the order and a proof of service, which  
35 the officer shall complete and send to the issuing court.

36 (6) Upon receiving information at the scene of an incident of  
37 abuse that a protective order has been issued under this section,  
38 or that a person who has been taken into custody is the respondent  
39 to that order, if the protected person cannot produce an endorsed

1 copy of the order, a law enforcement officer shall immediately  
2 attempt to verify the existence of the order.

3 (7) If the law enforcement officer determines that a protective  
4 order has been ~~issued~~, *issued* but not served, the officer shall  
5 immediately notify the respondent of the terms of the order and  
6 where a written copy of the order can be obtained, and the officer  
7 shall at that time also enforce the order. The law enforcement  
8 officer's verbal notice of the terms of the order shall constitute  
9 service of the order and is sufficient notice for the purposes of this  
10 section and for the purposes of Section 273.6 of the Penal Code.

11 ~~(p)~~

12 (q) Nothing in this section shall preclude either party from  
13 representation by private counsel or from appearing on the party's  
14 own behalf.

15 ~~(q)~~

16 (r) There is no filing fee for a petition, response, or paper  
17 seeking the reissuance, modification, or enforcement of a protective  
18 order filed in a proceeding brought pursuant to this section.

19 ~~(r)~~

20 (s) Pursuant to paragraph (4) of subdivision (b) of Section  
21 6103.2 of the Government Code, a petitioner shall not be required  
22 to pay a fee for law enforcement to serve an order issued under  
23 this section.

24 ~~(s)~~

25 (t) The prevailing party in ~~any~~ *an* action brought under this  
26 section may be awarded court costs and attorney's fees, if any.

27 ~~(t)~~

28 (u) (1) A person subject to a protective order under this section  
29 shall not own, possess, purchase, receive, or attempt to receive a  
30 firearm or ammunition while the protective order is in effect.

31 (2) The court shall order a person subject to a protective order  
32 issued under this section to relinquish any firearms he or she owns  
33 or possesses pursuant to Section 527.9 of the Code of Civil  
34 Procedure.

35 (3) Every person who owns, possesses, purchases, or receives,  
36 or attempts to purchase or receive a firearm or ammunition while  
37 subject to a protective order issued under this section is punishable  
38 pursuant to Section 29825 of the Penal Code.

39 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~  
40 a protective order issued under this section was made solely on

1 the basis of financial abuse unaccompanied by force, threat,  
2 harassment, intimidation, or any other form of abuse.

3 ~~(u)~~

4 (v) Any willful disobedience of any temporary restraining order  
5 or restraining order after hearing granted under this section is  
6 punishable pursuant to Section 273.6 of the Penal Code.

7 ~~(v)~~

8 (w) This section does not apply to any action or proceeding  
9 governed by Title 1.6C (commencing with Section 1788) of Part  
10 4 of Division 3 of the Civil Code, by Chapter 3 (commencing with  
11 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,  
12 or by Division 10 (commencing with Section 6200) of the Family  
13 Code. Nothing in this section shall preclude a petitioner's right to  
14 use other existing civil remedies.

15 ~~(w)~~

16 (x) The Judicial Council shall develop forms, instructions, and  
17 rules relating to matters governed by this section. The petition and  
18 response forms shall be simple and concise, and their use by parties  
19 in actions brought pursuant to this section shall be mandatory.

20 *SEC. 8.2. Section 15657.03 of the Welfare and Institutions*  
21 *Code is amended to read:*

22 15657.03. (a) (1) An elder or dependent adult who has suffered  
23 ~~abuse~~ abuse, as defined in Section ~~15610.07~~ 15610.07, may seek  
24 protective orders as provided in this section.

25 (2) A petition may be brought on behalf of an abused elder or  
26 dependent adult by a conservator or a trustee of the elder or  
27 dependent adult, an attorney-in-fact of an elder or dependent adult  
28 who acts within the authority of ~~the~~ a power of attorney, a person  
29 appointed as a guardian ad litem for the elder or dependent adult,  
30 or other person legally authorized to seek such relief.

31 (b) For the purposes of this section:

32 (1) "Conservator" means the legally appointed conservator of  
33 the person or estate of the petitioner, or both.

34 (2) "Petitioner" means the elder or dependent adult to be  
35 protected by the protective orders and, if the court grants the  
36 petition, the protected person.

37 (3) "Protective order" means an order that includes any of the  
38 following restraining orders, whether issued ex parte, after notice  
39 and hearing, or in a judgment:

1 (A) An order enjoining a party from abusing, intimidating,  
2 molesting, attacking, striking, stalking, threatening, sexually  
3 assaulting, battering, harassing, telephoning, including, but not  
4 limited to, making annoying telephone calls as described in Section  
5 653m of the Penal Code, destroying personal property, contacting,  
6 either directly or indirectly, by mail or otherwise, or coming within  
7 a specified distance of, or disturbing the peace of, the petitioner,  
8 and, in the discretion of the court, on a showing of good cause, of  
9 other named family or household members or a conservator, if  
10 any, of the petitioner.

11 (B) An order excluding a party from the petitioner's residence  
12 or dwelling, except that this order shall not be issued if legal or  
13 equitable title to, or lease of, the residence or dwelling is in the  
14 sole name of the party to be excluded, or is in the name of the party  
15 to be excluded and any other party besides the petitioner.

16 (C) An order enjoining a party from specified behavior that the  
17 court determines is necessary to effectuate orders described in  
18 subparagraph (A) or (B).

19 (4) "Respondent" means the person against whom the protective  
20 orders are sought and, if the petition is granted, the restrained  
21 person.

22 (c) An order may be issued under this section, with or without  
23 notice, to restrain any person for the purpose of preventing a  
24 recurrence of abuse, if a declaration shows, to the satisfaction of  
25 the court, reasonable proof of a past act or acts of abuse of the  
26 petitioning elder or dependent adult.

27 (d) Upon filing a petition for protective orders under this section,  
28 the petitioner may obtain a temporary restraining order in  
29 accordance with Section 527 of the Code of Civil Procedure, except  
30 to the extent this section provides a rule that is inconsistent. The  
31 temporary restraining order may include any of the protective  
32 orders described in paragraph (3) of subdivision (b). However, the  
33 court may issue an ex parte order excluding a party from the  
34 petitioner's residence or dwelling only on a showing of all of the  
35 following:

36 (1) Facts sufficient for the court to ascertain that the party who  
37 will stay in the dwelling has a right under color of law to possession  
38 of the premises.

1 (2) That the party to be excluded has assaulted or threatens to  
2 assault the petitioner, other named family or household member  
3 of the petitioner, or a conservator of the petitioner.

4 (3) That physical or emotional harm would otherwise result to  
5 the petitioner, other named family or household member of the  
6 petitioner, or a conservator of the petitioner.

7 (e) A request for the issuance of a temporary restraining order  
8 without notice under this section shall be granted or denied on the  
9 same day that the petition is submitted to the court, unless the  
10 petition is filed too late in the day to permit effective review, in  
11 which case the order shall be granted or denied on the next day of  
12 judicial business in sufficient time for the order to be filed that day  
13 with the clerk of the court.

14 (f) Within 21 days, or, if good cause appears to the court, 25  
15 days, from the date that a request for a temporary restraining order  
16 is granted or denied, a hearing shall be held on the petition. If no  
17 request for temporary orders is made, the hearing shall be held  
18 within 21 days, or, if good cause appears to the court, 25 days,  
19 from the date that the petition is filed.

20 (g) The respondent may file a response that explains or denies  
21 the alleged abuse.

22 (h) The court may issue, upon notice and a hearing, any of the  
23 orders set forth in paragraph (3) of subdivision (b). The court may  
24 issue, after notice and hearing, an order excluding a person from  
25 a residence or dwelling if the court finds that physical or emotional  
26 harm would otherwise result to the petitioner, other named family  
27 or household member of the petitioner, or conservator of the  
28 petitioner.

29 (i) (1) In the discretion of the court, an order issued after notice  
30 and a hearing under this section may have a duration of not more  
31 than five years, subject to termination or modification by further  
32 order of the court either on written stipulation filed with the court  
33 or on the motion of a party. These orders may be renewed upon  
34 the request of a party, either for five years or permanently, without  
35 a showing of any further abuse since the issuance of the original  
36 order, subject to termination or modification by further order of  
37 the court either on written stipulation filed with the court or on the  
38 motion of a party. The request for renewal may be brought at any  
39 time within the three months before the expiration of the order.



1 (2) The failure to state the expiration date on the face of the  
2 form creates an order with a duration of three years from the date  
3 of issuance.

4 (3) If an action is filed for the purpose of terminating or  
5 modifying a protective order prior to the expiration date specified  
6 in the order by a party other than the protected party, the party  
7 who is protected by the order shall be given notice, pursuant to  
8 subdivision (b) of Section 1005 of the Code of Civil Procedure,  
9 of the proceeding by personal service or, if the protected party has  
10 satisfied the requirements of Chapter 3.1 (commencing with  
11 Section 6205) of Division 7 of Title 1 of the Government Code,  
12 by service on the Secretary of State. If the party who is protected  
13 by the order cannot be notified prior to the hearing for modification  
14 or termination of the protective order, the court shall deny the  
15 motion to modify or terminate the order without prejudice or  
16 continue the hearing until the party who is protected can be  
17 properly noticed and may, upon a showing of good cause, specify  
18 another method for service of process that is reasonably designed  
19 to afford actual notice to the protected party. The protected party  
20 may waive his or her right to notice if he or she is physically  
21 present in court and does not challenge the sufficiency of the notice.

22 (j) In a proceeding under this section, a support person may  
23 accompany a party in court and, if the party is not represented by  
24 an attorney, may sit with the party at the table that is generally  
25 reserved for the party and the party's attorney. The support person  
26 is present to provide moral and emotional support for a person  
27 who alleges he or she is a victim of abuse. The support person is  
28 not present as a legal adviser and may not provide legal advice.  
29 The support person may assist the person who alleges he or she is  
30 a victim of abuse in feeling more confident that he or she will not  
31 be injured or threatened by the other party during the proceedings  
32 if the person who alleges he or she is a victim of abuse and the  
33 other party are required to be present in close proximity. This  
34 subdivision does not preclude the court from exercising its  
35 discretion to remove the support person from the courtroom if the  
36 court believes the support person is prompting, swaying, or  
37 influencing the party assisted by the support person.

38 (k) Upon the filing of a petition for protective orders under this  
39 section, the respondent shall be personally served with a copy of  
40 the petition, notice of the hearing or order to show cause, temporary

1 restraining order, if any, and any declarations in support of the  
2 petition. Service shall be made at least five days before the hearing.  
3 The court may, on motion of the petitioner or on its own motion,  
4 shorten the time for service on the respondent.

5 (l) A notice of hearing under this section shall notify the  
6 respondent that if he or she does not attend the hearing, the court  
7 may make orders against him or her that could last up to five years.

8 ~~(m) (1) The court may, upon the filing of a declaration by the~~  
9 ~~petitioner that the respondent could not be served within the time~~  
10 ~~required by statute, reissue an order previously issued and dissolved~~  
11 ~~by the court for failure to serve the respondent. The reissued order~~  
12 ~~shall remain in effect until the date set for the hearing.~~

13 ~~(2) The reissued order shall state on its face the date of~~  
14 ~~expiration of the order.~~

15 (m) *The respondent shall be entitled, as a matter of course, to*  
16 *one continuance, for a reasonable period, to respond to the*  
17 *petition.*

18 (n) (1) *Either party may request a continuance of the hearing,*  
19 *which the court shall grant on a showing of good cause. The*  
20 *request may be made in writing before or at the hearing or orally*  
21 *at the hearing. The court may also grant a continuance on its own*  
22 *motion.*

23 (2) *If the court grants a continuance, any temporary restraining*  
24 *order that has been granted shall remain in effect until the end of*  
25 *the continued hearing, unless otherwise ordered by the court. In*  
26 *granting a continuance, the court may modify or terminate a*  
27 *temporary restraining order.*

28 ~~(n)~~

29 (o) (1) If a respondent, named in an order issued under this  
30 section after a hearing, has not been served personally with the  
31 order but has received actual notice of the existence and substance  
32 of the order through personal appearance in court to hear the terms  
33 of the order from the court, no additional proof of service is  
34 required for enforcement of the order.

35 (2) If the respondent named in a temporary restraining order is  
36 personally served with the order and notice of hearing with respect  
37 to a restraining order or protective order based on the temporary  
38 restraining order, but the respondent does not appear at the hearing,  
39 either personally or by an attorney, and the terms and conditions  
40 of the restraining order or protective order issued at the hearing

1 are identical to the temporary restraining order, except for the  
2 duration of the order, then the restraining order or protective order  
3 issued at the hearing may be served on the respondent by first-class  
4 mail sent to the respondent at the most current address for the  
5 respondent that is available to the court.

6 (3) The Judicial Council form for temporary orders issued  
7 pursuant to this subdivision shall contain a statement in  
8 substantially the following form:

9  
10 “If you have been personally served with a temporary restraining  
11 order and notice of hearing, but you do not appear at the hearing  
12 either in person or by a lawyer, and a restraining order that is the  
13 same as this temporary restraining order except for the expiration  
14 date is issued at the hearing, a copy of the order will be served on  
15 you by mail at the following address: \_\_\_\_.

16 If that address is not correct or you wish to verify that the  
17 temporary restraining order was converted to a restraining order  
18 at the hearing without substantive change and to find out the  
19 duration of that order, contact the clerk of the court.”

20  
21 (e)

22 (p) (1) Information on ~~any~~ a protective order relating to elder  
23 or dependent adult abuse issued by a court pursuant to this section  
24 shall be transmitted to the Department of Justice in accordance  
25 with either paragraph (2) or (3).

26 (2) The court shall order the petitioner or the attorney for the  
27 petitioner to deliver a copy of an order issued under this section,  
28 or a reissuance, extension, modification, or termination of the  
29 order, and any subsequent proof of service, by the close of the  
30 business day on which the order, reissuance, extension,  
31 modification, or termination was made, to each law enforcement  
32 agency having jurisdiction over the residence of the petitioner, and  
33 to any additional law enforcement agencies within the court’s  
34 discretion as are requested by the petitioner.

35 (3) Alternatively, the court or its designee shall transmit, within  
36 one business day, to law enforcement personnel all information  
37 required under subdivision (b) of Section 6380 of the Family Code  
38 regarding any order issued under this section, or a reissuance,  
39 extension, modification, or termination of the order, and any

1 subsequent proof of service, by either one of the following  
2 methods:

3 (A) Transmitting a physical copy of the order or proof of service  
4 to a local law enforcement agency authorized by the Department  
5 of Justice to enter orders into the California Law Enforcement  
6 Telecommunications System (CLETS).

7 (B) With the approval of the Department of Justice, entering  
8 the order or proof of service into CLETS directly.

9 (4) Each appropriate law enforcement agency shall make  
10 available information as to the existence and current status of these  
11 orders to law enforcement officers responding to the scene of  
12 reported abuse.

13 (5) An order issued under this section shall, on request of the  
14 petitioner, be served on the respondent, whether or not the  
15 respondent has been taken into custody, by any law enforcement  
16 officer who is present at the scene of reported abuse involving the  
17 parties to the proceeding. The petitioner shall provide the officer  
18 with an endorsed copy of the order and a proof of service, which  
19 the officer shall complete and send to the issuing court.

20 (6) Upon receiving information at the scene of an incident of  
21 abuse that a protective order has been issued under this section,  
22 or that a person who has been taken into custody is the respondent  
23 to that order, if the protected person cannot produce an endorsed  
24 copy of the order, a law enforcement officer shall immediately  
25 attempt to verify the existence of the order.

26 (7) If the law enforcement officer determines that a protective  
27 order has been ~~issued~~, *issued* but not served, the officer shall  
28 immediately notify the respondent of the terms of the order and  
29 where a written copy of the order can be obtained, and the officer  
30 shall at that time also enforce the order. The law enforcement  
31 officer's verbal notice of the terms of the order shall constitute  
32 service of the order and is sufficient notice for the purposes of this  
33 section and for the purposes of Section 273.6 of the Penal Code.

34 ~~(p)~~

35 (q) Nothing in this section shall preclude either party from  
36 representation by private counsel or from appearing on the party's  
37 own behalf.

38 ~~(q)~~

1 (r) There is no filing fee for a petition, response, or paper  
2 seeking the reissuance, modification, or enforcement of a protective  
3 order filed in a proceeding brought pursuant to this section.

4 ~~(r)~~

5 (s) Pursuant to paragraph (4) of subdivision (b) of Section  
6 6103.2 of the Government Code, a petitioner shall not be required  
7 to pay a fee for law enforcement to serve an order issued under  
8 this section.

9 ~~(s)~~

10 (t) The prevailing party in ~~any~~ *an* action brought under this  
11 section may be awarded court costs and attorney's fees, if any.

12 ~~(t)~~

13 (u) (1) A person subject to a protective order under this section  
14 shall not own, possess, purchase, receive, or attempt to receive a  
15 firearm or ammunition while the protective order is in effect.

16 (2) The court shall order a person subject to a protective order  
17 issued under this section to relinquish any firearms he or she owns  
18 or possesses pursuant to Section 527.9 of the Code of Civil  
19 Procedure.

20 (3) Every person who owns, possesses, purchases, or receives,  
21 or attempts to purchase or receive a firearm or ammunition while  
22 subject to a protective order issued under this section is punishable  
23 pursuant to Section 29825 of the Penal Code.

24 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~  
25 *a* protective order issued under this section was made solely on  
26 the basis of financial abuse unaccompanied by force, threat,  
27 harassment, intimidation, or any other form of abuse.

28 ~~(t)~~

29 (v) Any willful disobedience of any temporary restraining order  
30 or restraining order after hearing granted under this section is  
31 punishable pursuant to Section 273.6 of the Penal Code.

32 ~~(v)~~

33 (w) This section does not apply to any action or proceeding  
34 governed by Title 1.6C (commencing with Section 1788) of Part  
35 4 of Division 3 of the Civil Code, ~~by~~ Chapter 3 (commencing with  
36 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,  
37 ~~or by~~ Division 10 (commencing with Section 6200) of the Family  
38 Code. Nothing in this section shall preclude a petitioner's right to  
39 use other existing civil remedies.

40 ~~(w)~~

1 (x) The Judicial Council shall develop forms, instructions, and  
2 rules relating to matters governed by this section. The petition and  
3 response forms shall be simple and concise, and their use by parties  
4 in actions brought pursuant to this section shall be mandatory.

5 (y) *This section shall become inoperative on July 1, 2016, and,*  
6 *as of January 1, 2017, is repealed, unless a later enacted statute,*  
7 *that becomes operative on or before January 1, 2017, deletes or*  
8 *extends the dates on which it becomes inoperative and is repealed.*

9 SEC. 8.3. Section 15657.03 is added to the Welfare and  
10 Institutions Code, to read:

11 15657.03. (a) (1) *An elder or dependent adult who has*  
12 *suffered abuse may seek protective orders as provided in this*  
13 *section.*

14 (2) *A petition may be brought on behalf of an abused elder or*  
15 *dependent adult by a conservator or a trustee of the elder or*  
16 *dependent adult, an attorney-in-fact of an elder or dependent adult*  
17 *who acts within the authority of a power of attorney, a person*  
18 *appointed as a guardian ad litem for the elder or dependent adult,*  
19 *or other person legally authorized to seek the relief.*

20 (3) (A) *A petition under this section may be brought on behalf*  
21 *of an elder or dependent adult by a county adult protective services*  
22 *agency in either of the following circumstances:*

23 (i) *If the elder or dependent adult has suffered abuse as defined*  
24 *in subdivision (b) and has an impaired ability to appreciate and*  
25 *understand the circumstances that place him or her at risk of harm.*

26 (ii) *If the elder or dependent adult has provided written*  
27 *authorization to a county adult protective services agency to act*  
28 *on his or her behalf.*

29 (B) *In the case of a petition filed pursuant to clause (i) of*  
30 *subparagraph (A) by a county adult protective services agency, a*  
31 *referral shall be made to the public guardian consistent with*  
32 *Section 2920 of the Probate Code prior to or concurrent with the*  
33 *filing of the petition, unless a petition for appointment of a*  
34 *conservator has already been filed with the probate court by the*  
35 *public guardian or another party.*

36 (C) *A county adult protective services agency shall be subject*  
37 *to any confidentiality restrictions that otherwise apply to its*  
38 *activities under law and shall disclose only those facts as necessary*  
39 *to establish reasonable cause for the filing of the petition,*  
40 *including, in the case of a petition filed pursuant to clause (i) of*

1 *subparagraph (A), to establish the agency's belief that the elder*  
2 *or dependent adult has suffered abuse and has an impaired ability*  
3 *to appreciate and understand the circumstances that place him or*  
4 *her at risk, and as may be requested by the court in determining*  
5 *whether to issue an order under this section.*

6 *(b) For the purposes of this section:*

7 *(1) "Abuse" has the meaning set forth in Section 15610.07.*

8 *(2) "Conservator" means the legally appointed conservator of*  
9 *the person or estate of the petitioner, or both.*

10 *(3) "Petitioner" means the elder or dependent adult to be*  
11 *protected by the protective orders and, if the court grants the*  
12 *petition, the protected person.*

13 *(4) "Protective order" means an order that includes any of the*  
14 *following restraining orders, whether issued ex parte, after notice*  
15 *and hearing, or in a judgment:*

16 *(A) An order enjoining a party from abusing, intimidating,*  
17 *molesting, attacking, striking, stalking, threatening, sexually*  
18 *assaulting, battering, harassing, telephoning, including, but not*  
19 *limited to, making annoying telephone calls as described in Section*  
20 *653m of the Penal Code, destroying personal property, contacting,*  
21 *either directly or indirectly, by mail or otherwise, or coming within*  
22 *a specified distance of, or disturbing the peace of, the petitioner,*  
23 *and, in the discretion of the court, on a showing of good cause, of*  
24 *other named family or household members or a conservator, if*  
25 *any, of the petitioner.*

26 *(B) An order excluding a party from the petitioner's residence*  
27 *or dwelling, except that this order shall not be issued if legal or*  
28 *equitable title to, or lease of, the residence or dwelling is in the*  
29 *sole name of the party to be excluded, or is in the name of the party*  
30 *to be excluded and any other party besides the petitioner.*

31 *(C) An order enjoining a party from specified behavior that the*  
32 *court determines is necessary to effectuate orders described in*  
33 *subparagraph (A) or (B).*

34 *(5) "Respondent" means the person against whom the protective*  
35 *orders are sought and, if the petition is granted, the restrained*  
36 *person.*

37 *(c) An order may be issued under this section, with or without*  
38 *notice, to restrain any person for the purpose of preventing a*  
39 *recurrence of abuse, if a declaration shows, to the satisfaction of*

1 *the court, reasonable proof of a past act or acts of abuse of the*  
2 *petitioning elder or dependent adult.*

3 *(d) Upon filing a petition for protective orders under this*  
4 *section, the petitioner may obtain a temporary restraining order*  
5 *in accordance with Section 527 of the Code of Civil Procedure,*  
6 *except to the extent this section provides a rule that is inconsistent.*  
7 *The temporary restraining order may include any of the protective*  
8 *orders described in paragraph (4) of subdivision (b). However,*  
9 *the court may issue an ex parte order excluding a party from the*  
10 *petitioner's residence or dwelling only on a showing of all of the*  
11 *following:*

12 *(1) Facts sufficient for the court to ascertain that the party who*  
13 *will stay in the dwelling has a right under color of law to*  
14 *possession of the premises.*

15 *(2) That the party to be excluded has assaulted or threatens to*  
16 *assault the petitioner, other named family or household member*  
17 *of the petitioner, or a conservator of the petitioner.*

18 *(3) That physical or emotional harm would otherwise result to*  
19 *the petitioner, other named family or household member of the*  
20 *petitioner, or a conservator of the petitioner.*

21 *(e) A request for the issuance of a temporary restraining order*  
22 *without notice under this section shall be granted or denied on the*  
23 *same day that the petition is submitted to the court, unless the*  
24 *petition is filed too late in the day to permit effective review, in*  
25 *which case the order shall be granted or denied on the next day*  
26 *of judicial business in sufficient time for the order to be filed that*  
27 *day with the clerk of the court.*

28 *(f) Within 21 days, or, if good cause appears to the court, 25*  
29 *days, from the date that a request for a temporary restraining*  
30 *order is granted or denied, a hearing shall be held on the petition.*  
31 *If no request for temporary orders is made, the hearing shall be*  
32 *held within 21 days, or, if good cause appears to the court, 25*  
33 *days, from the date that the petition is filed.*

34 *(g) The respondent may file a response that explains or denies*  
35 *the alleged abuse.*

36 *(h) The court may issue, upon notice and a hearing, any of the*  
37 *orders set forth in paragraph (4) of subdivision (b). The court may*  
38 *issue, after notice and hearing, an order excluding a person from*  
39 *a residence or dwelling if the court finds that physical or emotional*  
40 *harm would otherwise result to the petitioner, other named family*



1 or household member of the petitioner, or conservator of the  
2 petitioner.

3 (i) (1) In the discretion of the court, an order issued after notice  
4 and a hearing under this section may have a duration of not more  
5 than five years, subject to termination or modification by further  
6 order of the court either on written stipulation filed with the court  
7 or on the motion of a party. These orders may be renewed upon  
8 the request of a party, either for five years or permanently, without  
9 a showing of any further abuse since the issuance of the original  
10 order, subject to termination or modification by further order of  
11 the court either on written stipulation filed with the court or on  
12 the motion of a party. The request for renewal may be brought at  
13 any time within the three months before the expiration of the order.

14 (2) The failure to state the expiration date on the face of the  
15 form creates an order with a duration of three years from the date  
16 of issuance.

17 (3) If an action is filed for the purpose of terminating or  
18 modifying a protective order prior to the expiration date specified  
19 in the order by a party other than the protected party, the party  
20 who is protected by the order shall be given notice, pursuant to  
21 subdivision (b) of Section 1005 of the Code of Civil Procedure, of  
22 the proceeding by personal service or, if the protected party has  
23 satisfied the requirements of Chapter 3.1 (commencing with Section  
24 6205) of Division 7 of Title 1 of the Government Code, by service  
25 on the Secretary of State. If the party who is protected by the order  
26 cannot be notified prior to the hearing for modification or  
27 termination of the protective order, the court shall deny the motion  
28 to modify or terminate the order without prejudice or continue the  
29 hearing until the party who is protected can be properly noticed  
30 and may, upon a showing of good cause, specify another method  
31 for service of process that is reasonably designed to afford actual  
32 notice to the protected party. The protected party may waive his  
33 or her right to notice if he or she is physically present in court and  
34 does not challenge the sufficiency of the notice.

35 (j) In a proceeding under this section, a support person may  
36 accompany a party in court and, if the party is not represented by  
37 an attorney, may sit with the party at the table that is generally  
38 reserved for the party and the party's attorney. The support person  
39 is present to provide moral and emotional support for a person  
40 who alleges he or she is a victim of abuse. The support person is

1 *not present as a legal adviser and may not provide legal advice.*  
2 *The support person may assist the person who alleges he or she*  
3 *is a victim of abuse in feeling more confident that he or she will*  
4 *not be injured or threatened by the other party during the*  
5 *proceedings if the person who alleges he or she is a victim of abuse*  
6 *and the other party are required to be present in close proximity.*  
7 *This subdivision does not preclude the court from exercising its*  
8 *discretion to remove the support person from the courtroom if the*  
9 *court believes the support person is prompting, swaying, or*  
10 *influencing the party assisted by the support person.*

11 *(k) Upon the filing of a petition for protective orders under this*  
12 *section, the respondent shall be personally served with a copy of*  
13 *the petition, notice of the hearing or order to show cause,*  
14 *temporary restraining order, if any, and any declarations in*  
15 *support of the petition. Service shall be made at least five days*  
16 *before the hearing. The court may, on motion of the petitioner or*  
17 *on its own motion, shorten the time for service on the respondent.*

18 *(l) A notice of hearing under this section shall notify the*  
19 *respondent that if he or she does not attend the hearing, the court*  
20 *may make orders against him or her that could last up to five years.*

21 *(m) The respondent shall be entitled, as a matter of course, to*  
22 *one continuance, for a reasonable period, to respond to the*  
23 *petition.*

24 *(n) (1) Either party may request a continuance of the hearing,*  
25 *which the court shall grant on a showing of good cause. The*  
26 *request may be made in writing before or at the hearing or orally*  
27 *at the hearing. The court may also grant a continuance on its own*  
28 *motion.*

29 *(2) If the court grants a continuance, any temporary restraining*  
30 *order that has been granted shall remain in effect until the end of*  
31 *the continued hearing, unless otherwise ordered by the court. In*  
32 *granting a continuance, the court may modify or terminate a*  
33 *temporary restraining order.*

34 *(o) (1) If a respondent, named in an order issued under this*  
35 *section after a hearing, has not been served personally with the*  
36 *order but has received actual notice of the existence and substance*  
37 *of the order through personal appearance in court to hear the*  
38 *terms of the order from the court, no additional proof of service*  
39 *is required for enforcement of the order.*

1     (2) *If the respondent named in a temporary restraining order*  
2 *is personally served with the order and notice of hearing with*  
3 *respect to a restraining order or protective order based on the*  
4 *temporary restraining order, but the respondent does not appear*  
5 *at the hearing, either personally or by an attorney, and the terms*  
6 *and conditions of the restraining order or protective order issued*  
7 *at the hearing are identical to the temporary restraining order,*  
8 *except for the duration of the order, then the restraining order or*  
9 *protective order issued at the hearing may be served on the*  
10 *respondent by first-class mail sent to the respondent at the most*  
11 *current address for the respondent that is available to the court.*

12     (3) *The Judicial Council form for temporary orders issued*  
13 *pursuant to this subdivision shall contain a statement in*  
14 *substantially the following form:*

15  
16     *“If you have been personally served with a temporary restraining*  
17 *order and notice of hearing, but you do not appear at the hearing*  
18 *either in person or by a lawyer, and a restraining order that is the*  
19 *same as this temporary restraining order except for the expiration*  
20 *date is issued at the hearing, a copy of the order will be served on*  
21 *you by mail at the following address:\_\_\_\_\_.*

22     *If that address is not correct or you wish to verify that the*  
23 *temporary restraining order was converted to a restraining order*  
24 *at the hearing without substantive change and to find out the*  
25 *duration of that order, contact the clerk of the court.”*

26  
27     (p) (1) *Information on a protective order relating to elder or*  
28 *dependent adult abuse issued by a court pursuant to this section*  
29 *shall be transmitted to the Department of Justice in accordance*  
30 *with either paragraph (2) or (3).*

31     (2) *The court shall order the petitioner or the attorney for the*  
32 *petitioner to deliver a copy of an order issued under this section,*  
33 *or a reissuance, extension, modification, or termination of the*  
34 *order, and any subsequent proof of service, by the close of the*  
35 *business day on which the order, reissuance, extension,*  
36 *modification, or termination was made, to each law enforcement*  
37 *agency having jurisdiction over the residence of the petitioner,*  
38 *and to any additional law enforcement agencies within the court’s*  
39 *discretion as are requested by the petitioner.*

1     (3) *Alternatively, the court or its designee shall transmit, within*  
2 *one business day, to law enforcement personnel all information*  
3 *required under subdivision (b) of Section 6380 of the Family Code*  
4 *regarding any order issued under this section, or a reissuance,*  
5 *extension, modification, or termination of the order; and any*  
6 *subsequent proof of service, by either one of the following methods:*

7     (A) *Transmitting a physical copy of the order or proof of service*  
8 *to a local law enforcement agency authorized by the Department*  
9 *of Justice to enter orders into the California Law Enforcement*  
10 *Telecommunications System (CLETS).*

11     (B) *With the approval of the Department of Justice, entering*  
12 *the order or proof of service into CLETS directly.*

13     (4) *Each appropriate law enforcement agency shall make*  
14 *available information as to the existence and current status of*  
15 *these orders to law enforcement officers responding to the scene*  
16 *of reported abuse.*

17     (5) *An order issued under this section shall, on request of the*  
18 *petitioner, be served on the respondent, whether or not the*  
19 *respondent has been taken into custody, by any law enforcement*  
20 *officer who is present at the scene of reported abuse involving the*  
21 *parties to the proceeding. The petitioner shall provide the officer*  
22 *with an endorsed copy of the order and a proof of service, which*  
23 *the officer shall complete and send to the issuing court.*

24     (6) *Upon receiving information at the scene of an incident of*  
25 *abuse that a protective order has been issued under this section,*  
26 *or that a person who has been taken into custody is the respondent*  
27 *to that order, if the protected person cannot produce an endorsed*  
28 *copy of the order, a law enforcement officer shall immediately*  
29 *attempt to verify the existence of the order.*

30     (7) *If the law enforcement officer determines that a protective*  
31 *order has been issued, but not served, the officer shall immediately*  
32 *notify the respondent of the terms of the order and where a written*  
33 *copy of the order can be obtained, and the officer shall at that time*  
34 *also enforce the order. The law enforcement officer's verbal notice*  
35 *of the terms of the order shall constitute service of the order and*  
36 *is sufficient notice for the purposes of this section and for the*  
37 *purposes of Section 273.6 of the Penal Code.*

38     (q) *Nothing in this section shall preclude either party from*  
39 *representation by private counsel or from appearing on the party's*  
40 *own behalf.*

1     (r) *There is no filing fee for a petition, response, or paper*  
2 *seeking the reissuance, modification, or enforcement of a protective*  
3 *order filed in a proceeding brought pursuant to this section.*

4     (s) *Pursuant to paragraph (4) of subdivision (b) of Section*  
5 *6103.2 of the Government Code, a petitioner shall not be required*  
6 *to pay a fee for law enforcement to serve an order issued under*  
7 *this section.*

8     (t) *The prevailing party in an action brought under this section*  
9 *may be awarded court costs and attorney's fees, if any.*

10    (u) (1) *A person subject to a protective order under this section*  
11 *shall not own, possess, purchase, receive, or attempt to receive a*  
12 *firearm or ammunition while the protective order is in effect.*

13    (2) *The court shall order a person subject to a protective order*  
14 *issued under this section to relinquish any firearms he or she owns*  
15 *or possesses pursuant to Section 527.9 of the Code of Civil*  
16 *Procedure.*

17    (3) *Every person who owns, possesses, purchases, or receives,*  
18 *or attempts to purchase or receive a firearm or ammunition while*  
19 *subject to a protective order issued under this section is punishable*  
20 *pursuant to Section 29825 of the Penal Code.*

21    (4) *This subdivision does not apply in a case in which a*  
22 *protective order issued under this section was made solely on the*  
23 *basis of financial abuse unaccompanied by force, threat,*  
24 *harassment, intimidation, or any other form of abuse.*

25    (v) *In a proceeding brought under paragraph (3) of subdivision*  
26 *(a), all of the following apply:*

27    (1) *Upon the filing of a petition for a protective order, the elder*  
28 *or dependent adult on whose behalf the petition has been filed*  
29 *shall receive a copy of the petition, a notice of the hearing, and*  
30 *any declarations submitted in support of the petition. The elder or*  
31 *dependent adult shall receive this information at least five days*  
32 *before the hearing. The court may, on motion of the petitioner or*  
33 *on its own motion, shorten the time for provision of this information*  
34 *to the elder or dependent adult.*

35    (2) *The adult protective services agency shall make reasonable*  
36 *efforts to assist the elder or dependent adult to attend the hearing*  
37 *and provide testimony to the court, if he or she wishes to do so. If*  
38 *the elder or dependent adult does not attend the hearing, the*  
39 *agency shall provide information to the court at the hearing*

1 regarding the reasons why the elder or dependent adult is not in  
2 attendance.

3 (3) Upon the filing of a petition for a protective order and upon  
4 issuance of an order granting the petition, the county adult  
5 protective services agency shall take all reasonable steps to provide  
6 for the safety of the elder or dependent adult, pursuant to Chapter  
7 13 (commencing with Section 15750), which may include, but are  
8 not limited to, facilitating the location of alternative  
9 accommodations for the elder or dependent adult, if needed.

10 (w) Any willful disobedience of any temporary restraining order  
11 or restraining order after hearing granted under this section is  
12 punishable pursuant to Section 273.6 of the Penal Code.

13 (x) This section does not apply to any action or proceeding  
14 governed by Title 1.6C (commencing with Section 1788) of Part  
15 4 of Division 3 of the Civil Code, Chapter 3 (commencing with  
16 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,  
17 or Division 10 (commencing with Section 6200) of the Family  
18 Code. Nothing in this section shall preclude a petitioner's right  
19 to use other existing civil remedies.

20 (y) The Judicial Council shall develop forms, instructions, and  
21 rules relating to matters governed by this section. The petition and  
22 response forms shall be simple and concise, and shall be used by  
23 parties in actions brought pursuant to this section.

24 (z) This section shall become operative on July 1, 2016.

25 SEC. 8.4. Section 15657.03 of the Welfare and Institutions  
26 Code is amended to read:

27 15657.03. (a) (1) An elder or dependent adult who has suffered  
28 ~~abuse~~ abuse, as defined in Section ~~15610.07~~ 15610.07, may seek  
29 protective orders as provided in this section.

30 (2) A petition may be brought on behalf of an abused elder or  
31 dependent adult by a conservator or a trustee of the elder or  
32 dependent adult, an attorney-in-fact of an elder or dependent adult  
33 who acts within the authority of ~~the~~ a power of attorney, a person  
34 appointed as a guardian ad litem for the elder or dependent adult,  
35 or other person legally authorized to seek such relief.

36 (b) For ~~the~~ purposes of this section:

37 (1) "Conservator" means the legally appointed conservator of  
38 the person or estate of the petitioner, or both.

1 (2) "Petitioner" means the elder or dependent adult to be  
2 protected by the protective orders and, if the court grants the  
3 petition, the protected person.

4 (3) "Protective order" means an order that includes any of the  
5 following restraining orders, whether issued ex parte, after notice  
6 and hearing, or in a judgment:

7 (A) An order enjoining a party from abusing, intimidating,  
8 molesting, attacking, striking, stalking, threatening, sexually  
9 assaulting, battering, harassing, telephoning, including, but not  
10 limited to, making annoying telephone calls as described in Section  
11 653m of the Penal Code, destroying personal property, contacting,  
12 either directly or indirectly, by mail or otherwise, or coming within  
13 a specified distance of, or disturbing the peace of, the petitioner,  
14 and, in the discretion of the court, on a showing of good cause, of  
15 other named family or household members or a conservator, if  
16 any, of the petitioner. *On a showing of good cause, in an order  
17 issued pursuant to this subparagraph in connection with an animal  
18 owned, possessed, leased, kept, or held by the petitioner, or  
19 residing in the residence or household of the petitioner, the court  
20 may do either or both of the following:*

21 (i) *Grant the petitioner exclusive care, possession, or control  
22 of the animal.*

23 (ii) *Order the respondent to stay away from the animal and  
24 refrain from taking, transferring, encumbering, concealing,  
25 molesting, attacking, striking, threatening, harming, or otherwise  
26 disposing of the animal.*

27 (B) An order excluding a party from the petitioner's residence  
28 or dwelling, except that this order shall not be issued if legal or  
29 equitable title to, or lease of, the residence or dwelling is in the  
30 sole name of the party to be excluded, or is in the name of the party  
31 to be excluded and any other party besides the petitioner.

32 (C) An order enjoining a party from specified behavior that the  
33 court determines is necessary to effectuate orders described in  
34 subparagraph (A) or (B).

35 (4) "Respondent" means the person against whom the protective  
36 orders are sought and, if the petition is granted, the restrained  
37 person.

38 (c) An order may be issued under this section, with or without  
39 notice, to restrain any person for the purpose of preventing a  
40 recurrence of abuse, if a declaration shows, to the satisfaction of

1 the court, reasonable proof of a past act or acts of abuse of the  
2 petitioning elder or dependent adult.

3 (d) Upon filing a petition for protective orders under this section,  
4 the petitioner may obtain a temporary restraining order in  
5 accordance with Section 527 of the Code of Civil Procedure, except  
6 to the extent this section provides a rule that is inconsistent. The  
7 temporary restraining order may include any of the protective  
8 orders described in paragraph (3) of subdivision (b). However, the  
9 court may issue an ex parte order excluding a party from the  
10 petitioner's residence or dwelling only on a showing of all of the  
11 following:

12 (1) Facts sufficient for the court to ascertain that the party who  
13 will stay in the dwelling has a right under color of law to possession  
14 of the premises.

15 (2) That the party to be excluded has assaulted or threatens to  
16 assault the petitioner, other named family or household member  
17 of the petitioner, or a conservator of the petitioner.

18 (3) That physical or emotional harm would otherwise result to  
19 the petitioner, other named family or household member of the  
20 petitioner, or a conservator of the petitioner.

21 (e) A request for the issuance of a temporary restraining order  
22 without notice under this section shall be granted or denied on the  
23 same day that the petition is submitted to the court, unless the  
24 petition is filed too late in the day to permit effective review, in  
25 which case the order shall be granted or denied on the next day of  
26 judicial business in sufficient time for the order to be filed that day  
27 with the clerk of the court.

28 (f) Within 21 days, or, if good cause appears to the court, 25  
29 days, from the date that a request for a temporary restraining order  
30 is granted or denied, a hearing shall be held on the petition. If no  
31 request for temporary orders is made, the hearing shall be held  
32 within 21 days, or, if good cause appears to the court, 25 days,  
33 from the date that the petition is filed.

34 (g) The respondent may file a response that explains or denies  
35 the alleged abuse.

36 (h) The court may issue, upon notice and a hearing, any of the  
37 orders set forth in paragraph (3) of subdivision (b). The court may  
38 issue, after notice and hearing, an order excluding a person from  
39 a residence or dwelling if the court finds that physical or emotional  
40 harm would otherwise result to the petitioner, other named family



1 or household member of the petitioner, or conservator of the  
2 petitioner.

3 (i) (1) In the discretion of the court, an order issued after notice  
4 and a hearing under this section may have a duration of not more  
5 than five years, subject to termination or modification by further  
6 order of the court either on written stipulation filed with the court  
7 or on the motion of a party. These orders may be renewed upon  
8 the request of a party, either for five years or permanently, without  
9 a showing of any further abuse since the issuance of the original  
10 order, subject to termination or modification by further order of  
11 the court either on written stipulation filed with the court or on the  
12 motion of a party. The request for renewal may be brought at any  
13 time within the three months before the expiration of the order.

14 (2) The failure to state the expiration date on the face of the  
15 form creates an order with a duration of three years from the date  
16 of issuance.

17 (3) If an action is filed for the purpose of terminating or  
18 modifying a protective order prior to the expiration date specified  
19 in the order by a party other than the protected party, the party  
20 who is protected by the order shall be given notice, pursuant to  
21 subdivision (b) of Section 1005 of the Code of Civil Procedure,  
22 of the proceeding by personal service or, if the protected party has  
23 satisfied the requirements of Chapter 3.1 (commencing with  
24 Section 6205) of Division 7 of Title 1 of the Government Code,  
25 by service on the Secretary of State. If the party who is protected  
26 by the order cannot be notified prior to the hearing for modification  
27 or termination of the protective order, the court shall deny the  
28 motion to modify or terminate the order without prejudice or  
29 continue the hearing until the party who is protected can be  
30 properly noticed and may, upon a showing of good cause, specify  
31 another method for service of process that is reasonably designed  
32 to afford actual notice to the protected party. The protected party  
33 may waive his or her right to notice if he or she is physically  
34 present in court and does not challenge the sufficiency of the notice.

35 (j) In a proceeding under this section, a support person may  
36 accompany a party in court and, if the party is not represented by  
37 an attorney, may sit with the party at the table that is generally  
38 reserved for the party and the party's attorney. The support person  
39 is present to provide moral and emotional support for a person  
40 who alleges he or she is a victim of abuse. The support person is

1 not present as a legal adviser and may not provide legal advice.  
2 The support person may assist the person who alleges he or she is  
3 a victim of abuse in feeling more confident that he or she will not  
4 be injured or threatened by the other party during the proceedings  
5 if the person who alleges he or she is a victim of abuse and the  
6 other party are required to be present in close proximity. This  
7 subdivision does not preclude the court from exercising its  
8 discretion to remove the support person from the courtroom if the  
9 court believes the support person is prompting, swaying, or  
10 influencing the party assisted by the support person.

11 (k) Upon the filing of a petition for protective orders under this  
12 section, the respondent shall be personally served with a copy of  
13 the petition, notice of the hearing or order to show cause, temporary  
14 restraining order, if any, and any declarations in support of the  
15 petition. Service shall be made at least five days before the hearing.  
16 The court may, on motion of the petitioner or on its own motion,  
17 shorten the time for service on the respondent.

18 (l) A notice of hearing under this section shall notify the  
19 respondent that if he or she does not attend the hearing, the court  
20 may make orders against him or her that could last up to five years.

21 ~~(m) (1) The court may, upon the filing of a declaration by the~~  
22 ~~petitioner that the respondent could not be served within the time~~  
23 ~~required by statute, reissue an order previously issued and dissolved~~  
24 ~~by the court for failure to serve the respondent. The reissued order~~  
25 ~~shall remain in effect until the date set for the hearing.~~

26 ~~(2) The reissued order shall state on its face the date of~~  
27 ~~expiration of the order.~~

28 (m) *The respondent shall be entitled, as a matter of course, to*  
29 *one continuance, for a reasonable period, to respond to the*  
30 *petition.*

31 (n) (1) *Either party may request a continuance of the hearing,*  
32 *which the court shall grant on a showing of good cause. The*  
33 *request may be made in writing before or at the hearing or orally*  
34 *at the hearing. The court may also grant a continuance on its own*  
35 *motion.*

36 (2) *If the court grants a continuance, any temporary restraining*  
37 *order that has been granted shall remain in effect until the end of*  
38 *the continued hearing, unless otherwise ordered by the court. In*  
39 *granting a continuance, the court may modify or terminate a*  
40 *temporary restraining order.*

1     ~~(n)~~

2     (o) (1) If a respondent, named in an order issued under this  
3 section after a hearing, has not been served personally with the  
4 order but has received actual notice of the existence and substance  
5 of the order through personal appearance in court to hear the terms  
6 of the order from the court, no additional proof of service is  
7 required for enforcement of the order.

8     (2) If the respondent named in a temporary restraining order is  
9 personally served with the order and notice of hearing with respect  
10 to a restraining order or protective order based on the temporary  
11 restraining order, but the respondent does not appear at the hearing,  
12 either personally or by an attorney, and the terms and conditions  
13 of the restraining order or protective order issued at the hearing  
14 are identical to the temporary restraining order, except for the  
15 duration of the order, then the restraining order or protective order  
16 issued at the hearing may be served on the respondent by first-class  
17 mail sent to the respondent at the most current address for the  
18 respondent that is available to the court.

19     (3) The Judicial Council form for temporary orders issued  
20 pursuant to this subdivision shall contain a statement in  
21 substantially the following form:

22  
23     “If you have been personally served with a temporary restraining  
24 order and notice of hearing, but you do not appear at the hearing  
25 either in person or by a lawyer, and a restraining order that is the  
26 same as this temporary restraining order except for the expiration  
27 date is issued at the hearing, a copy of the order will be served on  
28 you by mail at the following address: \_\_\_\_.

29     If that address is not correct or you wish to verify that the  
30 temporary restraining order was converted to a restraining order  
31 at the hearing without substantive change and to find out the  
32 duration of that order, contact the clerk of the court.”

33  
34     ~~(o)~~

35     (p) (1) Information on ~~any~~ a protective order relating to elder  
36 or dependent adult abuse issued by a court pursuant to this section  
37 shall be transmitted to the Department of Justice in accordance  
38 with either paragraph (2) or (3).

39     (2) The court shall order the petitioner or the attorney for the  
40 petitioner to deliver a copy of an order issued under this section,

1 or a reissuance, extension, modification, or termination of the  
2 order, and any subsequent proof of service, by the close of the  
3 business day on which the order, reissuance, extension,  
4 modification, or termination was made, to each law enforcement  
5 agency having jurisdiction over the residence of the petitioner, and  
6 to any additional law enforcement agencies within the court's  
7 discretion as are requested by the petitioner.

8 (3) Alternatively, the court or its designee shall transmit, within  
9 one business day, to law enforcement personnel all information  
10 required under subdivision (b) of Section 6380 of the Family Code  
11 regarding any order issued under this section, or a reissuance,  
12 extension, modification, or termination of the order, and any  
13 subsequent proof of service, by either one of the following  
14 methods:

15 (A) Transmitting a physical copy of the order or proof of service  
16 to a local law enforcement agency authorized by the Department  
17 of Justice to enter orders into the California Law Enforcement  
18 Telecommunications System (CLETS).

19 (B) With the approval of the Department of Justice, entering  
20 the order or proof of service into CLETS directly.

21 (4) Each appropriate law enforcement agency shall make  
22 available information as to the existence and current status of these  
23 orders to law enforcement officers responding to the scene of  
24 reported abuse.

25 (5) An order issued under this section shall, on request of the  
26 petitioner, be served on the respondent, whether or not the  
27 respondent has been taken into custody, by any law enforcement  
28 officer who is present at the scene of reported abuse involving the  
29 parties to the proceeding. The petitioner shall provide the officer  
30 with an endorsed copy of the order and a proof of service, which  
31 the officer shall complete and send to the issuing court.

32 (6) Upon receiving information at the scene of an incident of  
33 abuse that a protective order has been issued under this section,  
34 or that a person who has been taken into custody is the respondent  
35 to that order, if the protected person cannot produce an endorsed  
36 copy of the order, a law enforcement officer shall immediately  
37 attempt to verify the existence of the order.

38 (7) If the law enforcement officer determines that a protective  
39 order has been ~~issued~~, *issued* but not served, the officer shall  
40 immediately notify the respondent of the terms of the order and

1 where a written copy of the order can be obtained, and the officer  
2 shall at that time also enforce the order. The law enforcement  
3 officer's verbal notice of the terms of the order shall constitute  
4 service of the order and is sufficient notice for the purposes of this  
5 section and for the purposes of Section 273.6 of the Penal Code.

6 ~~(p)~~

7 (q) Nothing in this section shall preclude either party from  
8 representation by private counsel or from appearing on the party's  
9 own behalf.

10 ~~(q)~~

11 (r) There is no filing fee for a petition, response, or paper  
12 seeking the reissuance, modification, or enforcement of a protective  
13 order filed in a proceeding brought pursuant to this section.

14 ~~(r)~~

15 (s) Pursuant to paragraph (4) of subdivision (b) of Section  
16 6103.2 of the Government Code, a petitioner shall not be required  
17 to pay a fee for law enforcement to serve an order issued under  
18 this section.

19 ~~(s)~~

20 (t) The prevailing party in ~~any~~ *an* action brought under this  
21 section may be awarded court costs and attorney's fees, if any.

22 ~~(t)~~

23 (u) (1) A person subject to a protective order under this section  
24 shall not own, possess, purchase, receive, or attempt to receive a  
25 firearm or ammunition while the protective order is in effect.

26 (2) The court shall order a person subject to a protective order  
27 issued under this section to relinquish any firearms he or she owns  
28 or possesses pursuant to Section 527.9 of the Code of Civil  
29 Procedure.

30 (3) Every person who owns, possesses, purchases, or receives,  
31 or attempts to purchase or receive a firearm or ammunition while  
32 subject to a protective order issued under this section is punishable  
33 pursuant to Section 29825 of the Penal Code.

34 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~  
35 *a* protective order issued under this section was made solely on  
36 the basis of financial abuse unaccompanied by force, threat,  
37 harassment, intimidation, or any other form of abuse.

38 ~~(u)~~

(v) Any willful disobedience of any temporary restraining order or restraining order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

~~(v)~~

(w) This section does not apply to any action or proceeding governed by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code, ~~by~~ Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, or ~~by~~ Division 10 (commencing with Section 6200) of the Family Code. Nothing in this section shall preclude a petitioner's right to use other existing civil remedies.

~~(w)~~

(x) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(y) *This section shall become inoperative on July 1, 2016, and, as of January 1, 2017, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2017, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 8.5. *Section 15657.03 is added to the Welfare and Institutions Code, to read:*

15657.03. (a) (1) *An elder or dependent adult who has suffered abuse, as defined in Section 15610.07, may seek protective orders as provided in this section.*

(2) *A petition may be brought on behalf of an abused elder or dependent adult by a conservator or a trustee of the elder or dependent adult, an attorney-in-fact of an elder or dependent adult who acts within the authority of a power of attorney, a person appointed as a guardian ad litem for the elder or dependent adult, or other person legally authorized to seek the relief.*

(3) (A) *A petition under this section may be brought on behalf of an elder or dependent adult by a county adult protective services agency in either of the following circumstances:*

(i) *If the elder or dependent adult has suffered abuse as defined in subdivision (b) and has an impaired ability to appreciate and understand the circumstances that place him or her at risk of harm.*

(ii) *If the elder or dependent adult has provided written authorization to a county adult protective services agency to act on his or her behalf.*

1     (B) In the case of a petition filed pursuant to clause (i) of  
2     subparagraph (A) by a county adult protective services agency, a  
3     referral shall be made to the public guardian consistent with  
4     Section 2920 of the Probate Code prior to or concurrent with the  
5     filing of the petition, unless a petition for appointment of a  
6     conservator has already been filed with the probate court by the  
7     public guardian or another party.

8     (C) A county adult protective services agency shall be subject  
9     to any confidentiality restrictions that otherwise apply to its  
10    activities under law and shall disclose only those facts as necessary  
11    to establish reasonable cause for the filing of the petition,  
12    including, in the case of a petition filed pursuant to clause (i) of  
13    subparagraph (A), to establish the agency's belief that the elder  
14    or dependent adult has suffered abuse and has an impaired ability  
15    to appreciate and understand the circumstances that place him or  
16    her at risk, and as may be requested by the court in determining  
17    whether to issue an order under this section.

18    (b) For purposes of this section:

19    (1) "Abuse" has the meaning set forth in Section 15610.07.

20    (2) "Conservator" means the legally appointed conservator of  
21    the person or estate of the petitioner, or both.

22    (3) "Petitioner" means the elder or dependent adult to be  
23    protected by the protective orders and, if the court grants the  
24    petition, the protected person.

25    (4) "Protective order" means an order that includes any of the  
26    following restraining orders, whether issued *ex parte*, after notice  
27    and hearing, or in a judgment:

28    (A) An order enjoining a party from abusing, intimidating,  
29    molesting, attacking, striking, stalking, threatening, sexually  
30    assaulting, battering, harassing, telephoning, including, but not  
31    limited to, making annoying telephone calls as described in Section  
32    653m of the Penal Code, destroying personal property, contacting,  
33    either directly or indirectly, by mail or otherwise, or coming within  
34    a specified distance of, or disturbing the peace of, the petitioner,  
35    and, in the discretion of the court, on a showing of good cause, of  
36    other named family or household members or a conservator, if  
37    any, of the petitioner. On a showing of good cause, in an order  
38    issued pursuant to this subparagraph in connection with an animal  
39    owned, possessed, leased, kept, or held by the petitioner, or

1 *residing in the residence or household of the petitioner, the court*  
2 *may do either or both of the following:*

3 *(i) Grant the petitioner exclusive care, possession, or control*  
4 *of the animal.*

5 *(ii) Order the respondent to stay away from the animal and*  
6 *refrain from taking, transferring, encumbering, concealing,*  
7 *molesting, attacking, striking, threatening, harming, or otherwise*  
8 *disposing of the animal.*

9 *(B) An order excluding a party from the petitioner's residence*  
10 *or dwelling, except that this order shall not be issued if legal or*  
11 *equitable title to, or lease of, the residence or dwelling is in the*  
12 *sole name of the party to be excluded, or is in the name of the party*  
13 *to be excluded and any other party besides the petitioner.*

14 *(C) An order enjoining a party from specified behavior that the*  
15 *court determines is necessary to effectuate orders described in*  
16 *subparagraph (A) or (B).*

17 *(5) "Respondent" means the person against whom the protective*  
18 *orders are sought and, if the petition is granted, the restrained*  
19 *person.*

20 *(c) An order may be issued under this section, with or without*  
21 *notice, to restrain any person for the purpose of preventing a*  
22 *recurrence of abuse, if a declaration shows, to the satisfaction of*  
23 *the court, reasonable proof of a past act or acts of abuse of the*  
24 *petitioning elder or dependent adult.*

25 *(d) Upon filing a petition for protective orders under this*  
26 *section, the petitioner may obtain a temporary restraining order*  
27 *in accordance with Section 527 of the Code of Civil Procedure,*  
28 *except to the extent this section provides a rule that is inconsistent.*  
29 *The temporary restraining order may include any of the protective*  
30 *orders described in paragraph (4) of subdivision (b). However,*  
31 *the court may issue an ex parte order excluding a party from the*  
32 *petitioner's residence or dwelling only on a showing of all of the*  
33 *following:*

34 *(1) Facts sufficient for the court to ascertain that the party who*  
35 *will stay in the dwelling has a right under color of law to*  
36 *possession of the premises.*

37 *(2) That the party to be excluded has assaulted or threatens to*  
38 *assault the petitioner, other named family or household member*  
39 *of the petitioner, or a conservator of the petitioner.*



1     (3) *That physical or emotional harm would otherwise result to*  
2 *the petitioner, other named family or household member of the*  
3 *petitioner, or a conservator of the petitioner.*

4     (e) *A request for the issuance of a temporary restraining order*  
5 *without notice under this section shall be granted or denied on the*  
6 *same day that the petition is submitted to the court, unless the*  
7 *petition is filed too late in the day to permit effective review, in*  
8 *which case the order shall be granted or denied on the next day*  
9 *of judicial business in sufficient time for the order to be filed that*  
10 *day with the clerk of the court.*

11     (f) *Within 21 days, or, if good cause appears to the court, 25*  
12 *days, from the date that a request for a temporary restraining*  
13 *order is granted or denied, a hearing shall be held on the petition.*  
14 *If no request for temporary orders is made, the hearing shall be*  
15 *held within 21 days, or, if good cause appears to the court, 25*  
16 *days, from the date that the petition is filed.*

17     (g) *The respondent may file a response that explains or denies*  
18 *the alleged abuse.*

19     (h) *The court may issue, upon notice and a hearing, any of the*  
20 *orders set forth in paragraph (4) of subdivision (b). The court may*  
21 *issue, after notice and hearing, an order excluding a person from*  
22 *a residence or dwelling if the court finds that physical or emotional*  
23 *harm would otherwise result to the petitioner, other named family*  
24 *or household member of the petitioner, or conservator of the*  
25 *petitioner.*

26     (i) (1) *In the discretion of the court, an order issued after notice*  
27 *and a hearing under this section may have a duration of not more*  
28 *than five years, subject to termination or modification by further*  
29 *order of the court either on written stipulation filed with the court*  
30 *or on the motion of a party. These orders may be renewed upon*  
31 *the request of a party, either for five years or permanently, without*  
32 *a showing of any further abuse since the issuance of the original*  
33 *order, subject to termination or modification by further order of*  
34 *the court either on written stipulation filed with the court or on*  
35 *the motion of a party. The request for renewal may be brought at*  
36 *any time within the three months before the expiration of the order.*

37     (2) *The failure to state the expiration date on the face of the*  
38 *form creates an order with a duration of three years from the date*  
39 *of issuance.*

1     (3) *If an action is filed for the purpose of terminating or*  
2 *modifying a protective order prior to the expiration date specified*  
3 *in the order by a party other than the protected party, the party*  
4 *who is protected by the order shall be given notice, pursuant to*  
5 *subdivision (b) of Section 1005 of the Code of Civil Procedure, of*  
6 *the proceeding by personal service or, if the protected party has*  
7 *satisfied the requirements of Chapter 3.1 (commencing with Section*  
8 *6205) of Division 7 of Title 1 of the Government Code, by service*  
9 *on the Secretary of State. If the party who is protected by the order*  
10 *cannot be notified prior to the hearing for modification or*  
11 *termination of the protective order, the court shall deny the motion*  
12 *to modify or terminate the order without prejudice or continue the*  
13 *hearing until the party who is protected can be properly noticed*  
14 *and may, upon a showing of good cause, specify another method*  
15 *for service of process that is reasonably designed to afford actual*  
16 *notice to the protected party. The protected party may waive his*  
17 *or her right to notice if he or she is physically present in court and*  
18 *does not challenge the sufficiency of the notice.*

19     (j) *In a proceeding under this section, a support person may*  
20 *accompany a party in court and, if the party is not represented by*  
21 *an attorney, may sit with the party at the table that is generally*  
22 *reserved for the party and the party's attorney. The support person*  
23 *is present to provide moral and emotional support for a person*  
24 *who alleges he or she is a victim of abuse. The support person is*  
25 *not present as a legal adviser and may not provide legal advice.*  
26 *The support person may assist the person who alleges he or she*  
27 *is a victim of abuse in feeling more confident that he or she will*  
28 *not be injured or threatened by the other party during the*  
29 *proceedings if the person who alleges he or she is a victim of abuse*  
30 *and the other party are required to be present in close proximity.*  
31 *This subdivision does not preclude the court from exercising its*  
32 *discretion to remove the support person from the courtroom if the*  
33 *court believes the support person is prompting, swaying, or*  
34 *influencing the party assisted by the support person.*

35     (k) *Upon the filing of a petition for protective orders under this*  
36 *section, the respondent shall be personally served with a copy of*  
37 *the petition, notice of the hearing or order to show cause,*  
38 *temporary restraining order, if any, and any declarations in*  
39 *support of the petition. Service shall be made at least five days*

1 *before the hearing. The court may, on motion of the petitioner or*  
2 *on its own motion, shorten the time for service on the respondent.*

3 *(l) A notice of hearing under this section shall notify the*  
4 *respondent that if he or she does not attend the hearing, the court*  
5 *may make orders against him or her that could last up to five years.*

6 *(m) The respondent shall be entitled, as a matter of course, to*  
7 *one continuance, for a reasonable period, to respond to the*  
8 *petition.*

9 *(n) (1) Either party may request a continuance of the hearing,*  
10 *which the court shall grant on a showing of good cause. The*  
11 *request may be made in writing before or at the hearing or orally*  
12 *at the hearing. The court may also grant a continuance on its own*  
13 *motion.*

14 *(2) If the court grants a continuance, any temporary restraining*  
15 *order that has been granted shall remain in effect until the end of*  
16 *the continued hearing, unless otherwise ordered by the court. In*  
17 *granting a continuance, the court may modify or terminate a*  
18 *temporary restraining order.*

19 *(o) (1) If a respondent, named in an order issued under this*  
20 *section after a hearing, has not been served personally with the*  
21 *order but has received actual notice of the existence and substance*  
22 *of the order through personal appearance in court to hear the*  
23 *terms of the order from the court, no additional proof of service*  
24 *is required for enforcement of the order.*

25 *(2) If the respondent named in a temporary restraining order*  
26 *is personally served with the order and notice of hearing with*  
27 *respect to a restraining order or protective order based on the*  
28 *temporary restraining order, but the respondent does not appear*  
29 *at the hearing, either personally or by an attorney, and the terms*  
30 *and conditions of the restraining order or protective order issued*  
31 *at the hearing are identical to the temporary restraining order,*  
32 *except for the duration of the order, then the restraining order or*  
33 *protective order issued at the hearing may be served on the*  
34 *respondent by first-class mail sent to the respondent at the most*  
35 *current address for the respondent that is available to the court.*

36 *(3) The Judicial Council form for temporary orders issued*  
37 *pursuant to this subdivision shall contain a statement in*  
38 *substantially the following form:*

39 *“If you have been personally served with a temporary restraining*  
40 *order and notice of hearing, but you do not appear at the hearing*

1 *either in person or by a lawyer, and a restraining order that is the*  
2 *same as this temporary restraining order except for the expiration*  
3 *date is issued at the hearing, a copy of the order will be served on*  
4 *you by mail at the following address:*

5 *If that address is not correct or you wish to verify that the*  
6 *temporary restraining order was converted to a restraining order*  
7 *at the hearing without substantive change and to find out the*  
8 *duration of that order, contact the clerk of the court.”*

9 *(p) (1) Information on a protective order relating to elder or*  
10 *dependent adult abuse issued by a court pursuant to this section*  
11 *shall be transmitted to the Department of Justice in accordance*  
12 *with either paragraph (2) or (3).*

13 *(2) The court shall order the petitioner or the attorney for the*  
14 *petitioner to deliver a copy of an order issued under this section,*  
15 *or a reissuance, extension, modification, or termination of the*  
16 *order, and any subsequent proof of service, by the close of the*  
17 *business day on which the order, reissuance, extension,*  
18 *modification, or termination was made, to each law enforcement*  
19 *agency having jurisdiction over the residence of the petitioner,*  
20 *and to any additional law enforcement agencies within the court’s*  
21 *discretion as are requested by the petitioner.*

22 *(3) Alternatively, the court or its designee shall transmit, within*  
23 *one business day, to law enforcement personnel all information*  
24 *required under subdivision (b) of Section 6380 of the Family Code*  
25 *regarding any order issued under this section, or a reissuance,*  
26 *extension, modification, or termination of the order, and any*  
27 *subsequent proof of service, by either one of the following methods:*

28 *(A) Transmitting a physical copy of the order or proof of service*  
29 *to a local law enforcement agency authorized by the Department*  
30 *of Justice to enter orders into the California Law Enforcement*  
31 *Telecommunications System (CLETS).*

32 *(B) With the approval of the Department of Justice, entering*  
33 *the order or proof of service into CLETS directly.*

34 *(4) Each appropriate law enforcement agency shall make*  
35 *available information as to the existence and current status of*  
36 *these orders to law enforcement officers responding to the scene*  
37 *of reported abuse.*

38 *(5) An order issued under this section shall, on request of the*  
39 *petitioner, be served on the respondent, whether or not the*  
40 *respondent has been taken into custody, by any law enforcement*

1 officer who is present at the scene of reported abuse involving the  
2 parties to the proceeding. The petitioner shall provide the officer  
3 with an endorsed copy of the order and a proof of service, which  
4 the officer shall complete and send to the issuing court.

5 (6) Upon receiving information at the scene of an incident of  
6 abuse that a protective order has been issued under this section,  
7 or that a person who has been taken into custody is the respondent  
8 to that order, if the protected person cannot produce an endorsed  
9 copy of the order, a law enforcement officer shall immediately  
10 attempt to verify the existence of the order.

11 (7) If the law enforcement officer determines that a protective  
12 order has been issued but not served, the officer shall immediately  
13 notify the respondent of the terms of the order and where a written  
14 copy of the order can be obtained, and the officer shall at that time  
15 also enforce the order. The law enforcement officer's verbal notice  
16 of the terms of the order shall constitute service of the order and  
17 is sufficient notice for the purposes of this section and for the  
18 purposes of Section 273.6 of the Penal Code.

19 (q) Nothing in this section shall preclude either party from  
20 representation by private counsel or from appearing on the party's  
21 own behalf.

22 (r) There is no filing fee for a petition, response, or paper  
23 seeking the reissuance, modification, or enforcement of a protective  
24 order filed in a proceeding brought pursuant to this section.

25 (s) Pursuant to paragraph (4) of subdivision (b) of Section  
26 6103.2 of the Government Code, a petitioner shall not be required  
27 to pay a fee for law enforcement to serve an order issued under  
28 this section.

29 (t) The prevailing party in an action brought under this section  
30 may be awarded court costs and attorney's fees, if any.

31 (u) (1) A person subject to a protective order under this section  
32 shall not own, possess, purchase, receive, or attempt to receive a  
33 firearm or ammunition while the protective order is in effect.

34 (2) The court shall order a person subject to a protective order  
35 issued under this section to relinquish any firearms he or she owns  
36 or possesses pursuant to Section 527.9 of the Code of Civil  
37 Procedure.

38 (3) Every person who owns, possesses, purchases, or receives,  
39 or attempts to purchase or receive a firearm or ammunition while

1 *subject to a protective order issued under this section is punishable*  
2 *pursuant to Section 29825 of the Penal Code.*

3 *(4) This subdivision does not apply in a case in which a*  
4 *protective order issued under this section was made solely on the*  
5 *basis of financial abuse unaccompanied by force, threat,*  
6 *harassment, intimidation, or any other form of abuse.*

7 *(v) In a proceeding brought under paragraph (3) of subdivision*  
8 *(a), all of the following apply:*

9 *(1) Upon the filing of a petition for a protective order, the elder*  
10 *or dependent adult on whose behalf the petition has been filed*  
11 *shall receive a copy of the petition, a notice of the hearing, and*  
12 *any declarations submitted in support of the petition. The elder or*  
13 *dependent adult shall receive this information at least five days*  
14 *before the hearing. The court may, on motion of the petitioner or*  
15 *on its own motion, shorten the time for provision of this information*  
16 *to the elder or dependent adult.*

17 *(2) The adult protective services agency shall make reasonable*  
18 *efforts to assist the elder or dependent adult to attend the hearing*  
19 *and provide testimony to the court, if he or she wishes to do so. If*  
20 *the elder or dependent adult does not attend the hearing, the*  
21 *agency shall provide information to the court at the hearing*  
22 *regarding the reasons why the elder or dependent adult is not in*  
23 *attendance.*

24 *(3) Upon the filing of a petition for a protective order and upon*  
25 *issuance of an order granting the petition, the county adult*  
26 *protective services agency shall take all reasonable steps to provide*  
27 *for the safety of the elder or dependent adult, pursuant to Chapter*  
28 *13 (commencing with Section 15750), which may include, but are*  
29 *not limited to, facilitating the location of alternative*  
30 *accommodations for the elder or dependent adult, if needed.*

31 *(w) Any willful disobedience of any temporary restraining order*  
32 *or restraining order after hearing granted under this section is*  
33 *punishable pursuant to Section 273.6 of the Penal Code.*

34 *(x) This section does not apply to any action or proceeding*  
35 *governed by Title 1.6C (commencing with Section 1788) of Part*  
36 *4 of Division 3 of the Civil Code, Chapter 3 (commencing with*  
37 *Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,*  
38 *or Division 10 (commencing with Section 6200) of the Family*  
39 *Code. Nothing in this section shall preclude a petitioner's right*  
40 *to use other existing civil remedies.*

1     (y) *The Judicial Council shall develop forms, instructions, and*  
2 *rules relating to matters governed by this section. The petition and*  
3 *response forms shall be simple and concise, and shall be used by*  
4 *parties in actions brought pursuant to this section.*

5     (z) *This section shall become operative on July 1, 2016.*

6     SEC. 9. (a) *Section 1.5 of this bill incorporates amendments*  
7 *to Section 527.6 of the Code of Civil Procedure proposed by both*  
8 *this bill and Assembly Bill 494. It shall only become operative if*  
9 *(1) both bills are enacted and become effective on or before*  
10 *January 1, 2016, (2) each bill amends Section 527.6 of the Code*  
11 *of Civil Procedure, and (3) this bill is enacted after Assembly Bill*  
12 *494, in which case Section 1 of this bill shall not become operative.*

13     (b) *Section 7.5 of this bill incorporates amendments to Section*  
14 *213.5 of the Welfare and Institutions Code proposed by both this*  
15 *bill and Assembly Bill 494. It shall only become operative if (1)*  
16 *both bills are enacted and become effective on or before January*  
17 *1, 2016, (2) each bill amends Section 213.5 of the Welfare and*  
18 *Institutions Code, and (3) this bill is enacted after Assembly Bill*  
19 *494, in which case Section 7 of this bill shall not become operative.*

20     (c) *Section 8.1 of this bill incorporates amendments to Section*  
21 *15657.03 of the Welfare and Institutions Code proposed by both*  
22 *this bill and Assembly Bill 494. It shall only become operative if*  
23 *(1) both bills are enacted and become effective on or before*  
24 *January 1, 2016, (2) each bill amends Section 15657.03 of the*  
25 *Welfare and Institutions Code, and (3) Senate Bill 196 is not*  
26 *enacted or as enacted does not amend that section, and (4) this*  
27 *bill is enacted after Assembly Bill 494, in which case Sections 8,*  
28 *8.2, 8.3, 8.4, and 8.5 of this bill shall not become operative.*

29     (d) *Sections 8.2 and 8.3 of this bill incorporate amendments to*  
30 *Section 15657.03 of the Welfare and Institutions Code proposed*  
31 *by both this bill and Senate Bill 196. They shall only become*  
32 *operative if (1) both bills are enacted and become effective on or*  
33 *before January 1, 2016, (2) each bill amends Section 15657.03 of*  
34 *the Welfare and Institutions Code, and (3) Assembly Bill 494 is*  
35 *not enacted or as enacted does not amend that section, and (4)*  
36 *this bill is enacted after Senate Bill 196, in which case Sections 8,*  
37 *8.1, 8.4, and 8.5 of this bill shall not become operative.*

38     (e) *Sections 8.4 and 8.5 of this bill incorporate amendments to*  
39 *Section 15657.03 of the Welfare and Institutions Code proposed*  
40 *by this bill, Assembly Bill 494, and Senate Bill 196. They shall*

1 *only become operative if (1) all three bills are enacted and become*  
2 *effective on or before January 1, 2016, (2) all three bills amend*  
3 *Section 15657.03 of the Welfare and Institutions Code, and (3)*  
4 *this bill is enacted after Assembly Bill 494 and Senate Bill 196, in*  
5 *which case Sections 8, 8.1, 8.2, and 8.3 of this bill shall not become*  
6 *operative.*